

CAMBRIDGESHIRE COUNTY COUNCIL

LOCAL GOVERNMENT ACT 1958

LOCAL GOVERNMENT COMMISSION FOR ENGLAND

THE EAST MIDLANDS REVIEW AREA

*History of Local Government from 1834 to 1958 with
Special Reference to the County of Cambridge*

MARCH 1959

EXPLANATORY NOTE

These notes have been prepared for the purpose of assisting the Local Government Reorganization Committee in the presentation of their views to the Local Government Commission. They summarise the history of the shires and the development of local government from 1834 up to 1958 and include in some detail the work of the 1945 Boundary Commission. They also review the setting-up of the Local Government Commission of 1958 and thereby form an introduction to Part II.

Part II reviews, within the terms of reference of the Commission, the various forms of local government reorganization that may be considered appropriate for the Authorities within the East Midlands Review Area with particular reference to those that may affect the City and County of Cambridge.

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March, 1959.

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SECTION I

THE ORIGIN AND DEVELOPMENT OF CAMBRIDGESHIRE AND THE NEIGHBOURING COUNTIES

CAMBRIDGE

1. No evidence has survived which presents a precise reconstruction of the administrative geography of Eastern England before the 10th Century and it is not until 1086 that documentary proof exists of the actual settlements within the County. In that year the Domesday Survey was carried out. The Cambridgeshire folios not only give us information of the County in great detail as it existed in 1086, but are of supreme importance to students of the Domesday Book because there exists for portions of the County two other versions of the original returns. One of these is the *Inquisitio Eliensis*, which gives an account of the estates held or claimed by the Abbey of Ely in the Counties of Cambridge, Hertford, Essex, Norfolk, Suffolk and Huntingdon. The other, an even more important version, is the *Inquisitio Comitatus Cantabrigiensis* which surveys almost the whole of thirteen out of the sixteen Domesday hundreds of the County. Of these hundreds two were in the Isle of Ely, which was part of the ancient County.

2. The Domesday County of Cambridge was not identical with the modern geographical County, but it varied in only small degrees.

ISLE OF ELY

3. The Isle of Ely has had a chequered history. A charter granted by King Edgar in 970 gave his monks rights over the two hundreds of the Isle of Ely and although part of the ancient County of Cambridge, the Isle commenced a separate administrative existence. The establishment of a bishopric at Ely in 1109 led to an infinite variety of activities of medieval local government being conducted by the Bishop and his Courts. The Bishop and his officers carried out the administration of the Isle with little interference from the Crown and certainly none from Cambridge. During the Tudor Period, the Liberty of Ely acquired the title of a County Palatine. If its institutions were more and more closely assimilated to those outside its bounds, the administrative distinctness of the Isle remained. Up to 1836 it had its own assizes and chief justice; its own justices of the peace; its own jails and houses of correction; its own rates separate from the rates of the County; and its own Chief Bailiff with powers equivalent to the powers of the sheriff in the shire. In these respects the Isle was treated, for all practical purposes, as a separate county.

4. In 1836 the secular jurisdiction of the Bishop of Ely in the Liberties of Ely was extinguished, many of the episcopal rights and privileges were swept away and the Isle was deemed, for most purposes, to be a division of the County of Cambridge. Its rates however continued to be separate from those of the County; they were assessed, levied and paid as though the Isle were a separate shire. It also retained its own Commission of the Peace.

5. Under the Local Government Act of 1888, the Isle was created a separate administrative county, thus preserving into contemporary times the administrative independence of the medieval Liberty of Ely.

HUNTINGDON

6. The boundaries of the shire, recorded in the Domesday Survey of 1086, have scarcely changed since that date except that parts of parishes now in Bedfordshire and Northamptonshire were assessed at the time of the survey as being in Huntingdonshire.

THE SOKE OF PETERBOROUGH

7. The definition of "soke" is a district under a particular jurisdiction and is derived from the Old English "soken". The administrative history of the Soke of

Peterborough closely resembles the Isle of Ely with its earlier ecclesiastical jurisdiction. The Abbots of the great Benedictine Abbey of Peterborough built in the 8th Century, subsequently plundered and destroyed both by Danes and Saxons, had control over the area approximating to the present day Soke, but no authoritative document before the Conquest gives definite boundaries. It is part of the geographical County of Northamptonshire, but under the Local Government Act of 1888 it became a separate administrative county thus preserving its ancient administrative autonomy.

SECTION II

THE DEVELOPMENT OF LOCAL GOVERNMENT ADMINISTRATION SINCE 1834

8. This Section covers the suggested and actual changes in local government administration in the period under review. Immediately following details of the Statutes is set out their application and effect on the local government structure of Cambridgeshire.

9. The modern system of local government in England and Wales may be said to date from 1834 - the year of the Poor Law Amendment Act - and 1835 - that of the Municipal Corporations Act. The Municipal Corporations Act did not affect local authority boundaries, but settled the principles of elected councils and the use of rates for the public benefit of the inhabitants and the improvement of the boroughs.

The Poor Law Amendment Act 1834

10. The traditional areas as they existed in 1834 were the counties, the hundreds with analogous units such as the petty sessional divisions; the parishes with their townships, and the boroughs. The Act of 1834 substituted for the parish, as the unit of poor law administration, a union of parishes, the main purpose of which was to create a combination to provide a workhouse which in accordance with the original Poor Law Act of 1601 was to be an industrial establishment with a duty to raise a convenient stock of flax, hemp, wool, thread, iron etc. Fifteen Assistant Commissioners were despatched from London, each being given a few counties to "unionize". The Commissioners conducted their inquiries on the basis that the most convenient union area was that of a market town and those surrounding parishes whose inhabitants were accustomed to resort to, and use the same market. The principle therefore was to unite town and country into a compact and convenient unit. This is perhaps the only time when the whole of England and Wales has been divided for local government purposes on the logical principle of a combination of geographical and functional requirements.

Application to Cambridgeshire

11. The poor law union areas set up in Cambridgeshire (excluding the Isle of Ely) are shown on Map No. 1, and were:-

- (a) The Borough of Cambridge
- (b) Caxton and Arrington - (included Great Gransden, Papworth St. Agnes (part) and Yelling - in Hunts.)
- (c) Chesterton
- (d) Linton - (included Bartlow End and Hadstock - in Essex)
- (e) Newmarket - (included Dalham, Exning, Gazeley with Higham, Lidgate, Moulton, Newmarket St. Mary and Ousden - in Suffolk)
- (f) Royston - (included Great Chishall, Heydon and Little Chishall - in Essex; Ashwell, Barkway, Barley, Hinxworth, Kelshall, Nuthampstead, Reed and Therfield - Royston (part) - in Herts.)
- (g) St. Ives, Hunts. - (included six Cambridgeshire parishes; Boxworth, Conington, Fen Drayton, Lolworth, Over and Swavesey)



Poor Law Amendment Act 1834

County boundary as at 1834

Poor Law Union boundaries

The Period
1834 - 1870

12. The rapid industrialisation of the country and the consequent growth of the towns resulted during the period 1834 - 1870 in the creation of a number of ad hoc authorities to deal with special services within specially created districts. Quarter sessions boroughs; rural and town poor law unions; petty sessional divisions and borough sessions; local sanitary boards and improvement commissioners; burial boards; school boards and highway districts were some of the authorities thus created. Differing rates were levied by these various local authorities in their respective areas and most had different forms and dates of electing their representatives. The complex situation that arose caused confusion, duplication and consequent lack of efficiency.

The Public
Health Act
1872

13. The Public Health Act of 1872, which has had lasting effects on the structure of local government in England and Wales, established the principle that the whole country was to be divided, for sanitary purposes, into urban and rural sanitary authorities. It was the forerunner of the existing practice of taking out the urban authorities from their rural setting and giving them special powers and status according to their size and rank.

Application to
Cambridgeshire

14. In the County the outer boundaries of the rural sanitary districts were the same as those of the poor law unions and overlapped the County boundaries in consequence. Chesterton and Newmarket became urban sanitary districts. (Royston was not made an urban district until 1897.) Cambridge Borough was one of seven boroughs specifically exempted from the working of the Act, as Improvement Commissioners continued to function side by side with, and separate from, the then Municipal Authority. However, under the Public Health Act of 1875, it became an Urban Sanitary District of which the Commissioners were the Urban Sanitary Authority. (The Commissioners were eventually abolished in 1889.)

The Period
1872 - 1888

15. The Act of 1872 provided the framework within which the smaller range of authorities could be reorganized; the Municipal Corporations Act of 1882 reorganized and consolidated the constitution of the boroughs.

16. The larger areas of administration - the future county councils, received parliamentary consideration in the years 1880 - 1888. An attempt to create county councils in 1836 failed as it was considered that quarter sessions were conducting affairs satisfactorily. Later schemes had also foundered because of the problem of the large number of poor law unions (181) whose boundaries overlapped those of the counties.

The Local Govern-
ment Boundaries
Act 1887

17. Under the provisions of the Local Government Boundaries Act 1887, Commissioners were appointed to inquire with regard to each county in England and Wales:-

- (a) As to the best mode of so adjusting the boundaries of the county and of other areas of local government, as to arrange that no union, borough, sanitary district or parish shall be situated in more than one county.
- (b) As to the best mode of dealing with parts of a county which are wholly, or nearly, detached from the county.
- (c) As to the best mode of dealing with cases where a borough is not an urban sanitary district, and is wholly, or partly, comprised in an urban sanitary district.
- (d) As to any alteration of boundaries, combination of areas or administrative arrangements, incidental to, or consequential upon any alteration, which the Commissioners may recommend in the boundaries of any county, union, borough, sanitary district or parish.

18. The Report of the Commissioners presented in 1888 was overshadowed by the passing of the Local Government Act of 1888 which established county and county borough councils and is referred to in para. 21. Nevertheless the Commission did their work with care and competence and their recommendations had special regard to the convenience of administration established by the union areas. The following extract from their Report, which deals with the general question of the alteration of county boundaries, is of interest:-

"We have been repeatedly urged to respect, as far as possible, the ancient county boundaries but while fully recognizing the Historical and Antiquarian interest attached to this, we are of the opinion that it would be a mistake to assign the same degree of importance to them all equally or to ignore the fact that there is ample historical evidence of their having varied from time to time, however difficult it may be to trace the several stages of the process. Reference to the best historical authorities shows that counties in some cases still correspond with the limits of the principalities founded by the Early English Settlers; in others the principalities have been divided into several shires, or joined so as to form one shire."

Application to
Cambridgeshire

19. Although the Cambridgeshire Report is now somewhat academic, it is of interest and contained the following recommendations which are shown on Map No. 2. (Certain comments made by the Commissioners as part of their recommendations are included where considered to be worthy of note.)

(a) Union of Caxton and Arrington

Recommendations:-

1. The transfer of the Parishes of Great Gransden and Yelling and so much of the Parish of Papworth St. Agnes as is in the County of Huntingdon from the County of Huntingdon to the County of Cambridge.
2. The transfer of the Parish of Graveley from the Union of St. Neots to the Union of Caxton and Arrington, thus bringing the Union of Caxton and Arrington wholly within the County of Cambridge.

(b) Union of Linton

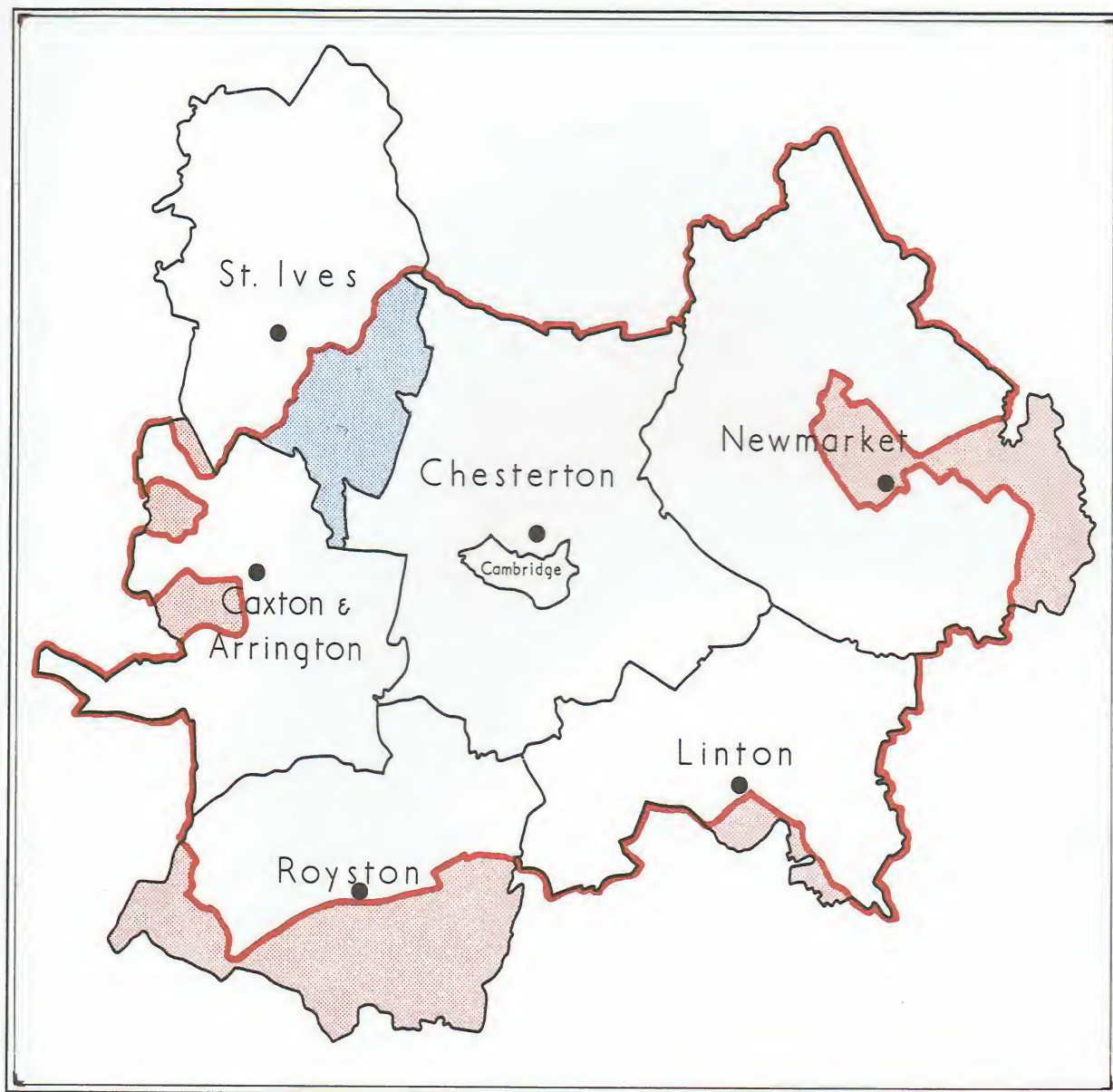
Recommendations:-

The transfer of the Parishes of Hadstock and Little Bartlow from Essex to the County of Cambridge bringing the Union of Linton wholly within the County of Cambridge.

(c) Union of Newmarket

Report:-

The map would seem to suggest drawing the county boundary between Moulton and Gazeley but this idea fails to find any support in the District, the four parishes to the east of that line preferring to transfer to the County of Cambridge to going to the Union of Thingoe.



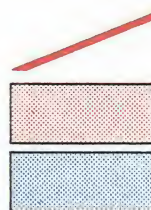
Miles 2 1 0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 Miles

Local Government Boundary Commission's Recommendations 1888

County boundary as at 1888

Areas recommended for transfer to Cambridgeshire

Area recommended for transfer to Huntingdonshire



The feeling of the Hamlet of Higham forms an exception and there seems to be no objection in any quarter to its separation from the Parish of Gazeley and its transfer to the Union of Thingoe.

Some owners in the Parish of Kentford in the Union of Mildenhall have expressed a wish that that Parish should be transferred to the Union of Newmarket and to the County of Cambridge. From the geographical position, communications, etc. of this Parish, the Commissioners think this application worthy of attention, but they consider this matter beyond the scope of their duties and have not included the transfer of that Parish in their recommendations.

Recommendations:-

1. The constitution of the Hamlet of Higham, now part of the Parish of Gazeley, into a separate parish and its transfer from the Union of Newmarket to the Union of Thingoe.

2. The transfer of the Parishes of:-

Dalham, Exning, Gazeley (as altered above), Lidgate, Moulton, Ousden and St. Mary's, Newmarket from the County of West Suffolk to the County of Cambridge, bringing the Union of Newmarket and also the Local Government District of Newmarket wholly within the County of Cambridge. (A detailed map of the changes suggested in the area of the Newmarket Union is included in the Boundary Commission Report.)

(d) Union of St. Ives

Report:-

Identical memorials were presented from the six parishes now in the County of Cambridge, asking to be made into a contributory Union with the addition of certain parishes from the Union of Chesterton; the parishes seem equally averse from a change of county and from being absorbed in the Unions of Chesterton and Caxton.

The Commissioners do not think there are materials for an efficient Union in so small a population and are also influenced by the desire to compensate the County of Huntingdon for decrease of population in their Unions; so that a county already one of the smallest should not be diminished in population.

Recommendation:-

The transfer of the Parishes of Boxworth, Conington, Fen Drayton, Lolworth, Over and Swavesey from the County of Cambridge to the County of Huntingdon, thus bringing the Union of St. Ives wholly within the County of Huntingdon.

(e) Union of Royston

Report:-

Note - A memorial has been presented from the Parishes of Chishall in Essex, signed by the principal owners and occupiers, praying to be transferred with the three Essex Parishes now in the Union of Royston, from the County of Essex to the County of Cambridge and to be transferred from the Union of Saffron Walden to the Union of Royston. The Saffron Walden Board of Guardians object to this proposal and it being outside the scope of our functions proper, it has not been included in the scheme, but we consider it worthy of consideration when any action is taken.

Recommendations:-

1. The transfer of the Parishes of Great Chishall, Heydon and Little Chishall from the County of Essex to the County of Cambridge.
2. The transfer of the Parishes of Ashwell, Barkway, Barley, Hinxworth, Kelshall, Nuthampstead, Reed and Therfield and as much of the Parish of Royston as is in the County of Hertfordshire from the County of Hertfordshire to the County of Cambridge, thus bringing the Union of Royston wholly within the County of Cambridge.

20. Cambridge and Chesterton Unions were not referred to in the Report. It so happened that Cambridge was one of only eight cases in the whole country where the Union and the Borough were co-extensive.

The Local
Government
Act 1888

21. The Local Government Act of 1888 established the county and county borough councils. It overcame the problems of the overlapping areas by providing (Section 50) that the municipal boroughs and urban sanitary districts should be held to be in the county in which the largest portion of the population resided according to the 1881 Census, and that rural sanitary districts should be split along the line of the county boundary. The figure of 50,000 population was set as the lower limit for a borough to qualify for county borough status.

Application to
Cambridgeshire

22. Cambridgeshire, excluding the Isle of Ely, became, as from 1st April 1889, a separate and distinct administrative county. In accordance with the Act, Newmarket Urban Sanitary District was deemed to be in the area of the West Suffolk County Council. (The 1881 Census figures for the Parishes of Newmarket All Saints in Cambridgeshire and Newmarket St. Mary in Suffolk were 1364 and 2730 respectively.) One of the first tasks required of the newly-created County Council was to review the report of the 1887 Boundary Commission (para. 18). The Council were in agreement with all the proposals of the Commission except with the recommendation to transfer part of the County to Huntingdon (19 (d)). The only recommendations to be put into effect, with the agreement of the counties concerned, were the subsequent transfer in 1895 of Great and Little Chishall and Heydon from Essex (Local Government Board's Provisional Orders Confirmation No. 14 Act 1895) and part of Papworth St. Agnes from Huntingdonshire (Local Government Board's Provisional Orders Confirmation No. 9 Act 1895). A joint Committee of the Cambridgeshire and West Suffolk County Councils agreed to parts of the rural Parishes of Wood Ditton and Exning being transferred from Cambridgeshire to West Suffolk (Local Government Board's Provisional Orders Confirmation No. 17 Act 1895).

Local Govern-
ment Act 1894

23. The Local Government Act 1894 provided the final solution of the problem of the areas. Under this Act new types of local authority were created - urban and rural district councils and parish councils. It represented the consolidation of urban powers in town councils and urban district councils. The former urban sanitary districts, local government districts, local boards of health and burial boards were absorbed by the borough or the urban district. Only two ad hoc bodies remained - these were the school boards and boards of guardians subsequently abolished in 1902 and 1929 respectively.

Application to
Cambridgeshire

24. The Urban District of Chesterton and the Rural Districts of Chesterton, Swavesey, Caxton and Arrington, Melbourn, Linton and Newmarket came into being under the provisions of this Act (See Map No. 3). The boundaries of the newly created Rural Districts remained the same as the former Rural Sanitary Districts. Newmarket in West Suffolk changed its title from an Urban Sanitary District to an Urban District.

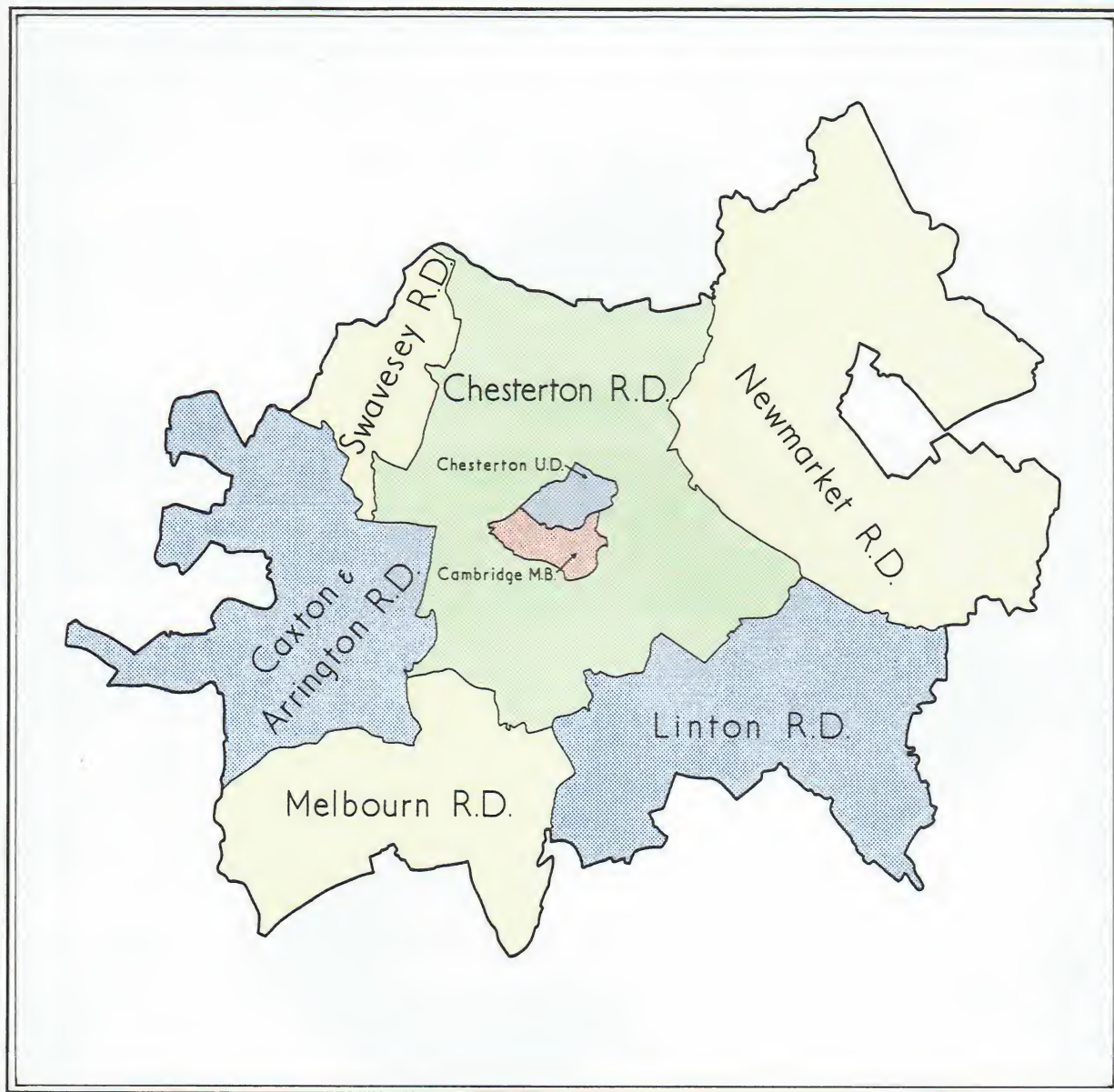
25. At this time Royston, which provided a unique example of complicated boundaries, passed through a period of administrative confusion. Under the 1894 Act, six parish councils were established within the township - Therfield and Barkway in Hertfordshire; Bassingbourn, Kneesworth and part of Melbourn in Cambridgeshire; and parts of Royston in both counties. The six councils acted in common for certain matters through joint committees. The district councils in the poor law union area had to form a special joint Committee and the two County Councils had a joint Committee. For a period between 1894 and 1897 twelve different authorities were either jointly or separately involved in the administration of this area. An urban district in two counties was vetoed by the Local Government Board and after a struggle between the two County Councils of Hertford and Cambridge the question within which county the town should lie was fought out before a Select Committee of the House of Commons. Subsequently the County of Hertford (Royston) Order 1896 was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 19) Act 1896. By this Order certain alterations were made in the boundaries at Royston between the Counties of Cambridge and Hertford by the transfer of the Parish of Royston (Cambridgeshire) and that part of each of the Parishes of Bassingbourn, Kneesworth and Melbourn included in the North Royston Special Drainage District, from Cambridgeshire to Hertfordshire. The County of Hertford (Royston Urban District and Parish) Confirmation Order 1897 established the Urban District and Civil Parish of Royston, including the transferred areas.

The Period
1894 - 1929

26. The period 1894 to 1929 was marked by a redistribution of functions and areas but there was no alteration in the basic structure of local government authorities. County boroughs encroached upon the areas of counties, and urban districts and municipal boroughs were constantly obtaining rectification of their boundaries. In addition new urban districts were created and many applied for and obtained Charters of Incorporation thereby achieving borough status. As soon as the population limit of 50,000 laid down by the 1888 Act was reached, a number of boroughs applied for county borough status, but not all were successful.

Application to
Cambridgeshire

27. In 1905 Cambridge County Council decided, after negotiation with Saffron Walden Borough Council and Saffron Walden Rural District Council, to apply to the Local Government Board for an extension of the County boundaries to include those areas. The Essex County Council were opposed to the extension and in 1906 the Cambridgeshire County Council decided not to pursue the matter. Other than this abortive attempt to extend the County boundaries, all the activities concerning local government changes affecting Cambridgeshire during the period 1894 to 1929 were generated by the Borough of Cambridge in their wish to extend their boundaries and to obtain county borough status. Because of the importance of this period to the problem of the immediate future, the history of these applications is dealt with in detail in the next section.



Miles 2 1 0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 Miles

Local Government Act 1894

County boundary including adjustments to 1897 . . . /

Borough, Urban and Rural District boundaries . . . /

SECTION III

ACTION TAKEN BY THE BOROUGH OF CAMBRIDGE TO OBTAIN COUNTY BOROUGH STATUS, 1896-1914

Legislation

28. In their aspirations to become a county borough, Cambridge relied on Section 54 of the Local Government Act 1888 which says - "Wherever it is represented by any county or borough to the Local Government Board ... (a) that the alteration of the boundary of any county or borough is desirable and ... (d) that it is desirable to constitute any borough having a population of not less than 50,000 into a county borough, the Local Government Board shall cause to be made a local inquiry and may make an Order for the proposal contained in such representations".

Action by the Borough of Cambridge 1896 - 1910

29. To satisfy the basic legal requirement of the Act therefore, no application could be made by the Borough for county borough status until its population reached 50,000. The population of the Borough in the 1891 Census was 36,983 and in 1901 - 38,379. At this rate of growth it was evident that the required population figure could not be reached as quickly as desired, without an extension of the Borough boundaries. The greatest growth of population nearest to those boundaries was in the Urban District of Chesterton which had a population of 7,523 in 1891 and 9,591 in 1901.

The Application for Extension of Boundaries 1896

30. In 1896 the Borough decided to submit a memorial to the Local Government Board for an extension of boundaries. A poll was taken in Chesterton in that year on the question of amalgamation with the Borough and was rejected. 985 voted against and 348 for amalgamation. The Borough Council consequently resolved:-

"That in-as-much as it is desirable to allow further time for the ratepayers of Chesterton and this Borough to consider the advantages which would be secured by the proposed amalgamation of the two districts, the Town Clerk is hereby directed to take all the necessary steps for withdrawing the Memorial relating to the amalgamation."

31. In 1901 delegates were appointed by the Town Council to confer with representatives of the Chesterton Urban District in order that steps be taken to secure a union of the two districts with a view to the formation of a county borough. On the 17th July, 1902, the Council resolved that application be made for an extension of the Borough boundaries so as to include Chesterton, part of Coton, part of Trumpington, part of Cherry Hinton and part of Ditton ... and that the Cambridge thus enlarged be made a county borough.

The Second Chesterton Poll 1903

32. A second poll on the amalgamation question took place in Chesterton in 1903 and was again rejected. 906 voted against and 135 for amalgamation.

Proposed Fur- ther Application for Boundary Ex- tension by Borough 1906

33. In 1905 the Borough Council sought the advice of a former Inspector of the Local Government Board, (Major General Phipps-Carey), on how best to pursue the Borough's aspirations to become a county borough. He advised the Council on the actual extensions of the boundaries that should be applied for and recommended that as a matter of tactics, the Council's desire to secure county borough status would best be achieved by first making application for an extension of boundaries, thereby giving the newly-extended Borough a population figure exceeding 50,000, after which an application could be made to the Local Government Board for county borough status. Although this advice was to form the basis of the applications in 1910 and 1912 the Borough resolved

in July 1906:-

"That in view of the fact that the Local Government Board were not satisfied with the additional working of sewage disposal proposed to be carried out by the Council, it was not desirable to proceed with an application to the Board for an extension of the Borough boundaries at that time."

The Cambridge Representation to the Local Government Board 1910

34. In May 1910 the General Purposes Committee of the Council were instructed to prepare a scheme for the extension of boundaries and on October 6th, 1910, the Council decided to submit a memorial to the Local Government Board representing that, in accordance with the provisions of the Local Government Act 1888, an alteration of the Borough boundaries was desirable. The areas proposed for inclusion in the Borough were the whole of the Urban District of Chesterton, the whole of the Parish of Cherry Hinton and parts of the Parishes of Trumpington, Grantchester and Fen Ditton.

35. The Memorial, which was submitted in November, 1910, made no reference to the Borough's desire to become a county borough but in the general reasons for the submission of the representation to the Board, the relationship of "New Chesterton" to the Borough was stressed. It was stated that the population of that area, partly residential but chiefly artizan in character was without doubt a direct overflow of the Borough population. The majority of the inhabitants were closely associated with the Borough by employment and community of interests. The main inducements for Chesterton to amalgamate were that the population to be included would share in the property of the Borough, in the representation on the Town Council, in Common Rights vested in the Burgesses, the use of the Fire Brigade and appliances, the Free Library and its branches, besides rights of admission to the Borough hospitals and interment in the Borough cemetery. The Borough considered that they had reasonable claim to the population in the proposed extended areas which enjoyed all the advantages arising from close proximity to the town, but contributed nothing towards the rates. The Memorial concluded with the words:-

"The interests of the Borough with its strong University element and ancient traditions, differ in many respects from the interests of the remainder of the County of Cambridge, and the enlargement of the Borough in the manner indicated above would tend to the general well-being of the inhabitants of both the Borough and the adjoining districts."

The County Council's Reaction to the Memorial

36. In November 1910, Sir H. George Fordham, Chairman of the County Council, addressed a meeting of the Council on the formal representation submitted by the Borough to the Local Government Board. The Chairman stated that it was common knowledge that the ultimate motive behind the submission of the representation was the creation of Cambridge as a county borough. Cambridge, the sentimental and business centre of the whole area, depended on the County for much of its prosperity in as much as it was dependent upon the great agricultural area which surrounded it. Sir George said there was no case in the history of local government in which there had been, for the benefit of one half of the population of an urban character, so complete a destruction of all the interests, while the gain to an equal proportion of those populations surrounding the Borough was problematical. The County Council decided to oppose the Borough's application and voted £1,000 to meet the expense of such opposition.

The Local Government Board Inquiry into the Borough's Representation 1911

37. The Local Government Board's Inquiry into the Borough's application was held in Cambridge in February, 1911. It was a formidable affair, the report consists of 297 foolscap pages and 44 witnesses were heard including the Mayor of Cambridge, the Vice-Chancellor of the University (in favour of the extensions) and the Chairman of the County Council. Counsel appeared for the Corporation, the County Council, Chesterton Rural District Council and Chesterton Union, the Cambridge Board of Guardians,

the Chesterton Urban District Council, the Great Eastern Railway Company and the Cherry Hinton Parish Council.

38. At the outset, Counsel for the Borough attempted to prevent any reference being made to county borough status as being outside the scope of the Inquiry, but the Inspector said:- "that in similar cases he generally let the county council have its head". Counsel for the County Council, as a result, drew from the Corporation witnesses that the application for the extension of boundaries was directly linked with the aspirations of Cambridge to become a county borough. The Chairman of the County Council in evidence implied that the county borough question was the crux of the whole Inquiry. If the extensions had been so drawn that only a small additional population increase resulted, the County Council would not have shown so much concern.

39. The Inquiry's time was taken up with hearing a considerable mass of evidence affecting the advantages which would accrue to the extended areas if the proposed extensions were agreed by the Board. This evidence covered the whole field of local government services, including sewage, education, roads, fire brigade, libraries and hospitals. On the question of sewage the Borough Surveyor admitted that the greater part of the sewers laid down in Cambridge in 1894-97 were defective owing to bad laying and consequent admission of subsoil water.

40. The last witness heard before the closing speeches was Mr. Frederick Bunnett, on behalf of the Chesterton Rural District Council.

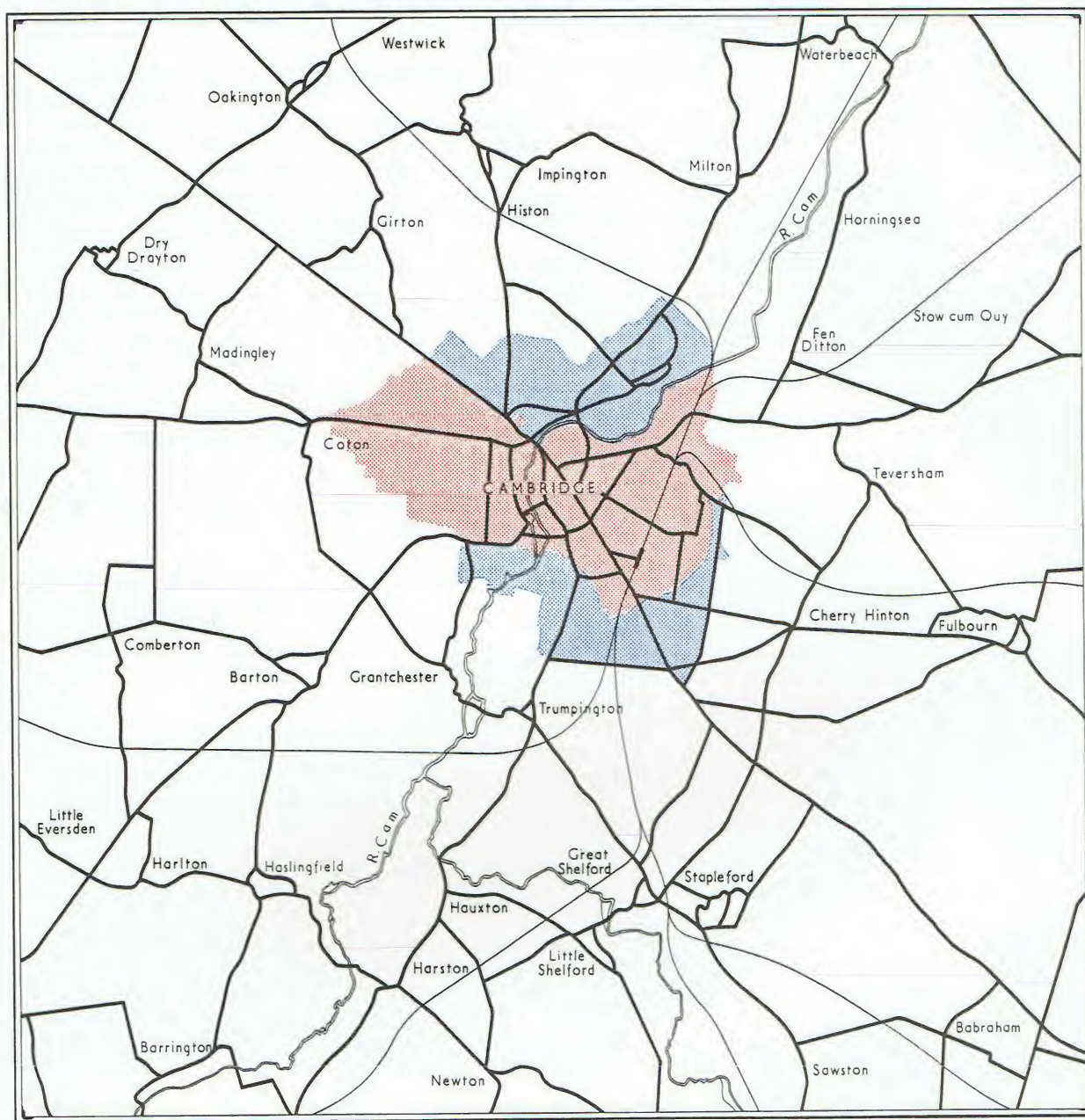
41. The closing speeches of Counsel reviewed and summarised the evidence submitted to the Inquiry. Counsel for the County Council stressed the real significance of the whole Inquiry that whilst it was ostensibly for an extension of the Borough boundaries, its real purpose was the first stage in an attempt to secure county borough status. If that attempt were successful it would mean the abolition of the County in its present form. Counsel questioned whether the record of Cambridge as a local government unit was worthy of receiving the added areas. Its sewage system was defective; gas, water, electricity and tramways, usually acknowledged to be municipal services, were in the hands of private companies. Its workhouse was an archaic institution built in 1834. As a Borough it had been a failure and it was hoped that the Board would refuse to make the Order and thus save irreparable injury being done to the County.

42. Counsel for the Chesterton Urban District Council referred to the third poll taken in Chesterton shortly before the Inquiry when 603 voted for and 765 against amalgamation. He opposed the extension on the grounds that Chesterton would reap no benefits from the boundary alterations and be faced with higher rates. The Inspector pointed out, however, that but for the joint use of Cambridge services enjoyed by Chesterton, the Urban District would be faced with the cost of providing their own.

43. Counsel for the Chesterton Rural District and Chesterton Union opposed the application on the grounds that sufficient justification had not been made for the scheme, especially with regard to the proposed change in the poor law areas.

44. Counsel for the Borough stated that the issue at the Inquiry had been befogged by the County Council's emphasis on the county borough aspects of the case. He contended that the Inquiry had not been called to consider that possibility but its purpose was solely to consider the extension of the Borough boundaries. It was no dereliction of duty or malfeasance on the part of the Corporation that various services were in the hands of private companies. It was agreed that the sewage system was defective, but considerable difficulties arose from the physical situation of Cambridge with its waterlogged soil. Counsel considered that the case for inclusion of those areas that were adjoining and an outgrowth of Cambridge was unanswerable.

45. The application was, subject to certain modifications, successful and the Order confirmed by the Local Government Board's Provisional Orders Confirmation



Cambridge (Extension) Order 1911

Area of Borough before extension



Areas added by the Order



(No. 10) Act 1911. The County Council did not oppose the Bill but made it clear that it was without prejudice to any action they may wish to take in the future. The passage of the Bill through Parliament was not however without incident. The first reading was on the 29th May, the second on the 16th June 1911. At the Report stage on the 25th July 1911, an amendment was considered regarding a clause in the Bill inserted at the request of the Licensed Victuallers Association of Cambridgeshire regarding the charge on liquor licenses to be included in new districts in the proposed extended Borough. The amendment was to prevent the inclusion in the Bill of such a Clause which would have overridden the general law. The offending Clause was dropped from the Bill. The Bill had its third reading on the 28th July 1911, and the Act received the Royal Assent on the 16th December 1911.

46. The Order came into operation on the 1st April 1912, and its effect can be seen on Map No. 4 where the added areas are shown in blue. The Borough had not been completely successful as only the urban parts of the Chesterton Urban District nearest the Borough were added. Likewise only part of the Parish of Cherry Hinton was included. The excluded part of the Chesterton Urban District Council area was transferred to the existing Parish of Milton within the Chesterton Rural District.

47. The main effect of the Order was however to increase the population of the Borough from 40,027 to 55,812 thus accomplishing the first move suggested by Major General Phipps-Carey (see para. 33). The Order also resulted in an increase in the physical size of the Borough from 3,233 to 5,457 acres and an increase in the rateable value from £302,676 to £364,939.

48. Following a promise made by the Borough Council at the Public Inquiry, a Clause was added to the Order and is of interest as being unfulfilled to this day:-

"The Corporation shall within a period of five years from the commencement of this Order construct and open for traffic a bridge (other than the existing Victoria Bridge) suitable for vehicular traffic across that part of the River Cam wherein forms the common boundary of the existing Parish of Chesterton and the existing Borough to provide improved means of connection between the Parish of Chesterton and the remainder of the Borough, together with all the necessary approaches and shall with all reasonable diligence take the requisite steps to obtain such statutory or other powers as may be necessary for the purpose."

The Borough's
Representation
to the Local
Government
Board for County
Borough Status
1912

49. On the 18th April, 1912, less than three weeks after the Extension Order came into operation, the Borough Council resolved to make representation to the Local Government Board to constitute Cambridge a county borough. With equal speed, a Special Committee of the County Council set up for the purpose decided on the 26th April to take all the necessary steps to oppose the Borough's application, appointed Counsel and voted £1,000 towards the expense of opposition.

50. The Borough's representation to the Local Government Board was submitted in August 1912 and closely followed the case made in 1910 for the extension of the Borough boundaries. All the services provided by the Borough were set out in considerable detail but emphasis was laid on the future of the schools which would come under the Council's control if the Order for county borough status were confirmed. The Borough submitted that a very strong reason why they should be created a county borough was that under recent legislation, the administration of county boroughs as distinct from boroughs or urban districts was assumed to be the highest in excellence and efficiency, and for that reason the greater powers contained in Public General Acts were always conferred upon a county borough, whereas in many instances both boroughs and urban districts remained under the protection and control of the county councils. It was considered therefore that in a town with a population of 55,812 and a rateable value of £378,484

it was most necessary that the greatest autonomy of administration should exist and prevail. The Council pointed out that in the event of Cambridge Borough being taken out of the County, the County would still be larger in population and assessable value than the Counties of the Isle of Ely, Huntingdon, Rutland and the Soke of Peterborough.

The Local
Government
Board Inquiry
into the Borough's
Application De-
cember 1912

51. The Local Government Board Inquiry to consider the Borough's application took place in Cambridge on the 5th and 6th of December 1912 and was something of an anti-climax after that into the extension of boundaries. The battle was renewed with the same Counsel for the opposing parties but only 11 witnesses were heard, who were taken through much of the evidence given at the previous Inquiry. Greater emphasis, however, was given to the future of the main roads in the County and Borough and also the provision of higher education which would pass to the Borough. The two principal witnesses were Councillor W.L. Raynes for the Borough and Sir George Fordham, Chairman of the County Council, for the County. Councillor Raynes was examined and cross-examined at length upon the main cause of friction between the two authorities. This appeared to be a grievance that the cost of maintaining the main roads in the Borough was unfairly apportioned by the County and in particular that the County Council had unnecessarily declared a number of roads to be main roads in the County thus causing the Borough to contribute to their cost. If Cambridge became a county borough it would no longer contribute to the cost of any County roads. The County Surveyor in evidence proved by traffic statistics, obtained from a detailed survey, that greater use was made of the roads in the County by residents from the Borough than those in the County.

52. The cross-examination of Sir George Fordham emphasised the views previously expressed that if Cambridge were taken from the County the loss of the County's only urban district would so affect the County financially that it would be difficult to continue as a viable administrative unit.

The County
Council Meeting
6th February
1913

53. The Council were informed at their meeting on the 6th February 1913 that the Local Government Board had decided to issue a Provisional Order constituting the Borough of Cambridge into a county borough. The Chairman of the County Council, Sir George Fordham, delivered a lengthy speech (subsequently printed and published) reviewing the previous history of the case and the action proposed to be taken to oppose the Bill.

54. The draft of the Provisional Order was before the County Council at their meeting on the 13th March 1913. Under its provisions the Town Council would have a membership of 68 and that of the County Council would be reduced from 64 to 37. It was there resolved:-

"That the Local Government Board be informed that, as the proposals contained in the draft Bill are destructive of county government as now for twenty-four years established in the administrative County and would set up a county council in an area entirely rural and of too small population and rateable value for successful administration as a County - a proceeding absolutely without precedent - the Council feel compelled to offer the most strenuous opposition to the Bill."

The Problem
as a National
Issue

55. It was at this stage that the local issue developed into one of wider interest. There was no doubt that if the Borough's application were successful it would serve as a precedent which would affect the continued efficient existence of the smaller county councils. The creation of a county borough would take away from the County so much of the population and rateable value that the efficiency of the administration would, if not actually destroyed, be seriously impaired. The Cambridge application, and to a lesser degree a similar one from Luton, became test cases. A national campaign of protest commenced in the spring of 1913 with letters to "The Times" from Sir George Fordham setting out the details and effect of the Cambridge application.

The County Councils Association Official Gazette in 1913 summed up the Cambridge situation as follows:-

"The geographical relation of the proposed new county borough and administrative County are without precedent; the very centre is taken out of an area, the remainder of which becomes thus extremely weak in administrative character and poor in relation to its boundaries. The main roads radiating from the county borough in its centre will continue to be used largely by borough traffic, and this traffic will, undoubtedly, increase as time goes on. This will throw (subject to a comparatively short-term compensation) a greatly preponderating burden in the shape of expenditure for the maintenance of the main roads upon the rural and poor county, while the rich and urban county borough will enjoy, as heretofore, a large share of the benefit from the users of these roads."

56. The County Councils Association took such a serious view of the grave threat to the future of county councils that they asked the Prime Minister (Mr. Asquith) to receive a deputation to discuss the desirability of referring to a Joint Committee of both Houses the general question of the constitution of county boroughs under the Local Government Act of 1888. The deputation was received by the Prime Minister on 29th April 1913 and Sir George Fordham, presented the Association's case, using the Cambridge application as an illustration of the danger to county government by the severance of urban areas from administrative association with the rural areas of counties. He was followed by other speakers representing county councils similarly threatened. The Prime Minister later received a deputation from the Association of Municipal Corporations and he subsequently informed the County Councils Association that he did not consider that adequate reasons had been shown for referring the question to a Joint Committee of the two Houses. He had, therefore, decided that Provisional Orders must go to a Select Committee of the House of Commons in the usual way in order that each case might be considered on its merits.

The Local
Government Pro-
visional Orders
(No. 21) Bill,
Passage through
Parliament

57. The Cambridge Provisional Order was included in the Local Government Provisional Orders (No. 21) Bill which also contained Orders seeking similar powers for the Boroughs of Luton and Wakefield. The Bill was presented to the House and read the first time on 10th June 1913. An amendment was moved at the second reading on the 3rd July to defer consideration of the Bill for three months but after a short debate the amendment was withdrawn. It was in this debate that one of the Members for Cambridgeshire graphically summed up the situation by saying that no financial compensation could possibly make up for the loss which would be sustained by cutting out the heart of the County, removing the hub from the wheel on which it had revolved so long and leaving the hub spinning by itself and the rim to roll away as best it may. The President of the Local Government Board expressed the view that the applications ought to be tested by a searching examination by the usual Select Committee procedure.

58. The Bill was accordingly referred to a Committee of the House with an Instruction "particularly to consider the probable effect that the confirmation of each Provisional Order included in the Bill would have on the capacity, whether financial or otherwise, of each county council affected, to continue efficiently county council administration in the residue of the county area". This Instruction was agreed by the House on a motion by Sir Ryland Adkins M.P., who was Vice-Chairman of the County Councils Association.

House of
Commons Select
Committee on
the Bill

59. The Select Committee of 4 members sat for five days in July 1913 and the evidence followed the pattern of that before the two Inquiries at Cambridge but with the difference that the Instruction of the House referred to above led to evidence being submitted to show how adversely the County Council would be financially affected if Cambridge was taken from its administrative area. Two other aspects of interest were the direct questioning of witnesses by the Chairman and members of the Com-

mittee and the appearance, towards the end of the hearing, of the Local Government Board's Inspector who had taken the second Inquiry at Cambridge. He was asked if it was the Board's view that Provisional Orders should be granted if boroughs qualified by the population standard laid down by the 1888 Act. The Inspector said that speaking generally the answer was "Yes" but there had been exceptions.

60. At the conclusion of the hearing by the Select Committee, the Chairman stated that the Committee was evenly divided and he had given his casting vote for confirmation of the Order. Subsequently on the 31st July the following report was made by the Committee to the House:-

"That with regard to the Cambridge Order, the Committee have heard the evidence, and are of the opinion that the reduction in the assessable value in the administrative County of Cambridge consequent upon the confirmation of the Order will seriously increase the financial burden to be borne by the remainder of the administrative area, particularly in regard to the maintenance of main roads. But while it has been clearly shown that the remaining area will be entirely rural in character and having regard to the financial adjustment which will be made upon the principles laid down in the Report of the Devonshire Joint Committee of 1911 (see para. 61) the Committee are unable to find that the financial or administrative capacity of the County Council will be so impaired as to render efficient administration in the remaining area impossible."

61. The principles of the Devonshire Joint Committee were embodied in the Local Government (Adjustments) Act 1913 which stated that provision should be made for the payment to any authority of such sum as seemed equitable, in accordance with certain rules laid down by the Act, in respect of any increase of burden which would properly be thrown on the ratepayers of the area of an authority in the execution of any of their powers and duties as a consequence of any alteration of boundaries or other change in relation to which the adjustment took place.

62. In August 1913 the proceedings on the Bill were suspended until the next Session of Parliament.

63. The Bill was formally read the first and second time on the 17th February 1914 and the debate on the third reading took place on the 26th March 1914. As the Bill also included the applications of Luton and Wakefield, speakers could be classified into two groups - those speaking for and against the principle of creating county boroughs with consequent effect on the efficient administration of county councils and those speaking on behalf of one of the boroughs. The interpretation of the word "desirable" in Section 54 of the 1888 Act (see para. 28) came in for critical examination and it was considered that county boroughs should not be established merely on reaching the qualifying size of population but only after due consideration of all the circumstances of the case by way of an Inquiry in the locality, by Committee of the House and by the House itself.

64. It was contended that the national repercussions which would follow the constitution of Cambridge and Luton as county boroughs would cause further applications to be made that would injure and wreck county government in a way which was never intended by the Act of 1888. The President of the Local Government Board intervened in the debate and made it clear that if the House were to reject the Bill, the Board would introduce another Bill to create Wakefield a county borough. This undertaking was virtually an invitation to the House to confine the debate to the Cambridge and Luton cases. The question was duly put and the House rejected the Bill by 237 votes to 183 votes.

65. In furtherance of the undertaking given by the President of the Local Government Board, a Bill was introduced in April 1914 to constitute Wakefield a county borough and it duly became one the following year.

Epilogue

66. At the quarterly meeting of the Cambridgeshire County Council held on 14th May 1914, the Council passed two resolutions as follows:-

1. That the very cordial thanks of the Council be offered to the Representatives in Parliament of the County of Cambridge for their great and successful exertions in the House of Commons in the proceedings upon the Bill for creating county boroughs of the towns of Cambridge and Luton and the City of Wakefield, whereby the Bill was referred to a Select Committee with a special instruction upon the second reading on the 3rd July 1913 and was finally rejected by a large majority in a full House on 26th March last.
2. That the warmest thanks of the Council be accorded to Sir George Fordham, Chairman of the Cambridgeshire County Council, for his untiring personal efforts to give effect to the expressed will of the Council for the preservation of the integrity of the County.

67. So far as the public records are concerned, no further action was taken by the Borough Council to obtain county borough status until the setting up of the Boundary Commission in 1945.

SECTION IV

THE PERIOD BETWEEN THE WARS

The Royal Commission on Local Government 1922

68. The problems of the creation or expansion of county boroughs caused the county councils a good deal of concern after 1918 and pressure was brought on the Government to review the whole structure of local government and the way in which boundary extensions were conducted. A Royal Commission was accordingly appointed in 1922 with the following terms of reference:-

"To inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions."

69. Shortly after the setting up of the Commission the Ministry declared that - "no contentious proposals for the extension of boroughs and creation of new county boroughs would be entertained pending the conclusion of the work of the Commission".

70. The Commission's first Report dealing with the extension of county boroughs appeared in 1925 and led to the Local Government (County Boroughs and Adjustments) Act, 1926. This provided that no municipal borough could be created a county borough by Provisional Order but only by Local Act - this was a much more expensive method and would act as an automatic deterrent. Also no municipal borough could promote a bill for county borough status unless it had a minimum population of 75,000.

71. After dealing with the problem presented by the creation of county boroughs, the Royal Commission next turned its attention to the question of the financial incapacity and variations of size between authorities of the same legal status. Bound up with this question was the inequitable distribution of powers and duties between different classes of authority. The County Councils Association suggested to the Royal Commission - that the county councils should be entrusted with a review of the county districts in their respective areas; that the non-county boroughs should consent to waive their right to individual treatment and that the county councils should present schemes for a general review to the Minister of Health.

72. The second Report of the Royal Commission was published in October 1928. In the Commission's first Report when dealing with the subject of constitution and extension of the county boroughs the opinion was expressed that the governing consideration should be to secure the welfare of the populations affected and the best and most efficient method of providing for their local government. In their second Report the Commission stated the same principle should be applied to the re-organisation of county districts "and it should also be borne in mind that efficient administration depends not only on area but also on there being assigned to each unit functions of such variety and importance as will ensure local interest and secure as members of local authorities persons best fitted to render service".

73. The Acts of 1929 and 1933 put into effect the general recommendations of the Royal Commission for the holding of county reviews. Section 46 of the 1929 Act

Local Govern-
ment Acts of
1929 and 1933 -
County Reviews

Application
to Cambridge-
shire

provided that county councils should review the boundaries of all non-county boroughs, urban districts and rural districts within their county areas and submit proposals for change to the Minister of Health by 31st March 1932. The Act of 1933 laid down that county reviews were not to be undertaken at less than ten-yearly intervals.

74. The local authority areas in Cambridgeshire to be reviewed consisted of the Municipal Borough of Cambridge and six Rural Districts of Newmarket, Swavesey, Chesterton, Caxton and Arrington, Melbourn and Linton. The County Council's first suggestion in January, 1930 was the division of the County into four Rural Districts, in addition to the Borough whose boundaries were not to be altered. A conference of representatives of all interested parties took place on the 27th September, 1930 and at this meeting the Borough Council intimated that they would wish to make suggestions respecting an extension of the Borough boundary.

75. In October 1930, the Borough Council put forward the suggestion that an area consisting of 23,606 acres with a population of 11,519 should be added to the Borough. This was the area that the Borough had resolved in February 1928, should be the subject of a Town Planning Scheme and it embraced the remainder of Trumpington, Grantchester and Cherry Hinton excluded in the 1911 Extension Order and Histon, Milton, the Shelfords, Stapleford, Barton, Coton and Girton.

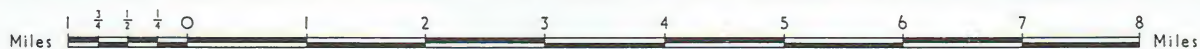
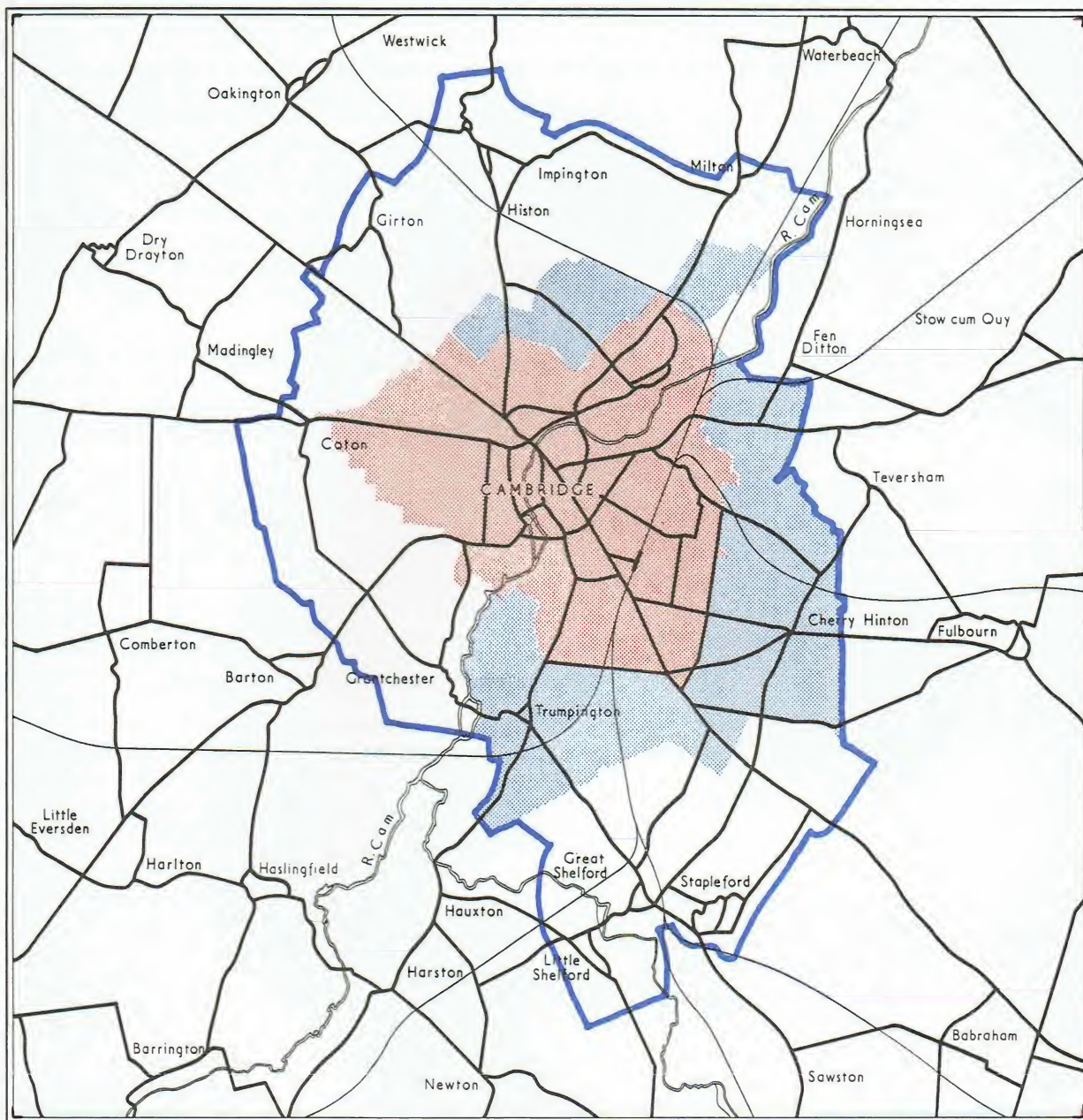
76. A further inconclusive conference took place in November 1930, at which the suggestions of the Borough and the question of the division of the remainder of the County into two, three or four Rural Districts was discussed.

77. The County Council decided to appoint Mr. E.A. Sandford Fawcett, a Consulting Civil Engineer, to prepare a report on the question of the various boundaries. Mr. Fawcett, who had formally been for 33 years an Engineering Inspector with the Local Government Board and Ministry of Health, reviewed the various areas suggested by the Borough and came to the conclusion that some extension of the Borough was justified but that there were no adequate grounds for an extension on the scale suggested by the Town Council, nor did it appear probable to him that any large extension would become justifiable for many years. He recommended that the Borough should be extended a further 1,210 acres.

78. The Borough Council appointed Messrs. Norton & Allworth to advise on their proposals. Colonel Norton, a Partner in the firm, was also a former Inspector of the Local Government Board and had, in fact, held the Inquiry into the extension of the Borough in 1911. He advised the Borough Council that they had a strong case for an extension of the Borough boundary to include the greater part, but not the whole, of the area previously suggested. On this advice, the Borough withdrew their suggestions of October, 1930 and substituted those of their Consultants but with certain additions. The revised area is shown on Map No. 5.

79. The County Council, in July 1931, proposed that the extension of the Borough boundaries as recommended by Mr. Fawcett should form the basis of the proposals to be submitted to the Minister of Health, together with the other proposals affecting the Rural Districts referred to later.

80. The County Council in their preliminary review of the Rural Districts, considered the question of applying for the transfer of Newmarket Urban District and the Parish of Moulton to the County and they instructed Mr. E. Sandford Fawcett to prepare a report on the consequent alterations to the County boundary. The Council decided, however, not to recommend any change in the Newmarket area and in January 1931 approved proposals for the abolition of the Swavesey, Caxton and Arrington, Melbourn and Linton Rural District Councils and the constitution of the Chesterton and South Cambridgeshire Rural Districts of much the same area as at present existing. These proposals, as amended by the proposed extensions to the Borough (referred to in para. 77) were forwarded to the Ministry of Health. The Borough Council, the

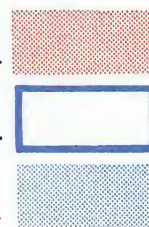


Cambridge (Extension) Order 1934

Area of Borough before extension

Area applied for by the Borough

Areas added by the Order



Linton and the Caxton and Arrington Rural District Councils and four Parish Councils objected to the proposals.

81. A Public Local Inquiry into the proposals was held at Cambridge on the 15th and 16th October, 1931. Early in the Inquiry the Borough abandoned their claims to Grantchester, Coton and Little Shelford and put forward as their main grounds for extension, sewerage, outgrowth and community of interest, and need of more building land. As no question of county borough status arose, the bitterness of the controversy at the earlier Inquiries held in 1911 and 1912 was absent and the proceedings were conducted in an amicable atmosphere. This did not prevent Mr. W.W. Pemberton of Trumpington suggesting, however, that there would be no grounds of friction between County and Borough if they were amalgamated as one Local Authority. When asked for a title for the combined authority he suggested "The Soke of Cambridge".

82. In February 1932 the County Council received a letter from the Ministry of Health, referring to the October Inquiry, in which it was stated:-

"The Minister recognises fully the difficulty with which the County Council is confronted. The Borough has admittedly a case for extension and the County Council in their proposals have gone some distance towards meeting it. It appears to the Minister, however, that part of the area proposed to be added to the Borough is not where development from the Borough is most likely to proceed, and that there is a case for adding to the Borough some other neighbouring areas where public services are necessary which would be most appropriately provided by the Borough. The County Council will appreciate that the Minister must consider what arrangements are likely to contribute most towards good, efficient and economic local government in deciding proposals put before him."

83. The Ministry went on to ask the County Council to submit further proposals to include the whole of Trumpington, Cherry Hinton and that part of Milton containing the Cambridge Sewage Works. Following this request negotiations took place with the Rural District Councils but eventually the County Council decided to adhere to their previous proposals.

84. The Ministry of Health treated the decision of the County Council as tantamount to a default by the Council to submit proposals to the Minister within the stipulated period under the 1929 Act. He therefore submitted his own proposals in March 1933 for the addition to the existing Borough of the Parish of Cherry Hinton and parts of the Parishes of Fen Ditton, Girton, Great Shelford, Impington, Milton and Trumpington. The County Council objected to these proposals and a further Local Inquiry took place at Cambridge on the 23rd and 24th May, 1933.

85. Considerable time was taken up at this Inquiry with legal arguments relating to the County Council's obligations under the 1929 Act and it was contended on their behalf that it was not the intention of the Act to provide machinery for large borough extensions. The question of the inclusion of Girton and Milton in the Borough and the sewerage problems which would arise if the Borough were successful in their application, occupied the remainder of the Inquiry.

The Cambridge
(Extension) Order
1934

86. The Cambridge (Extension) Order 1934 came into operation on the 1st April 1934. In the preamble, it was stated that "there was a prima facie case for the extension of the Borough and that the County Council had failed to make a proposal within the time allowed by the Act". The areas to be added represented a compromise between the extension areas which the Borough wished to add and the limited extensions thought appropriate by the County Council. The actual acreage added to the Borough was 4,603 and the population was increased by 3,380. The extensions under the Order

are shown on Map No. 5. Parts of the abolished Trumpington Parish were transferred to the Parishes of Grantchester and Haslingfield.

87. The population of the area of the Borough, as revised, was estimated to be 72,982 in June, 1934. The Order had not therefore put the Borough in a position to apply for county borough status (see para. 70).

The Cambridge-
shire (Rural
Areas) Review
Order 1934

88. This Order also came into operation on the 1st April 1934. The administrative and district council boundary changes affected by the Order are shown on Map No. 6 and were as follows:-

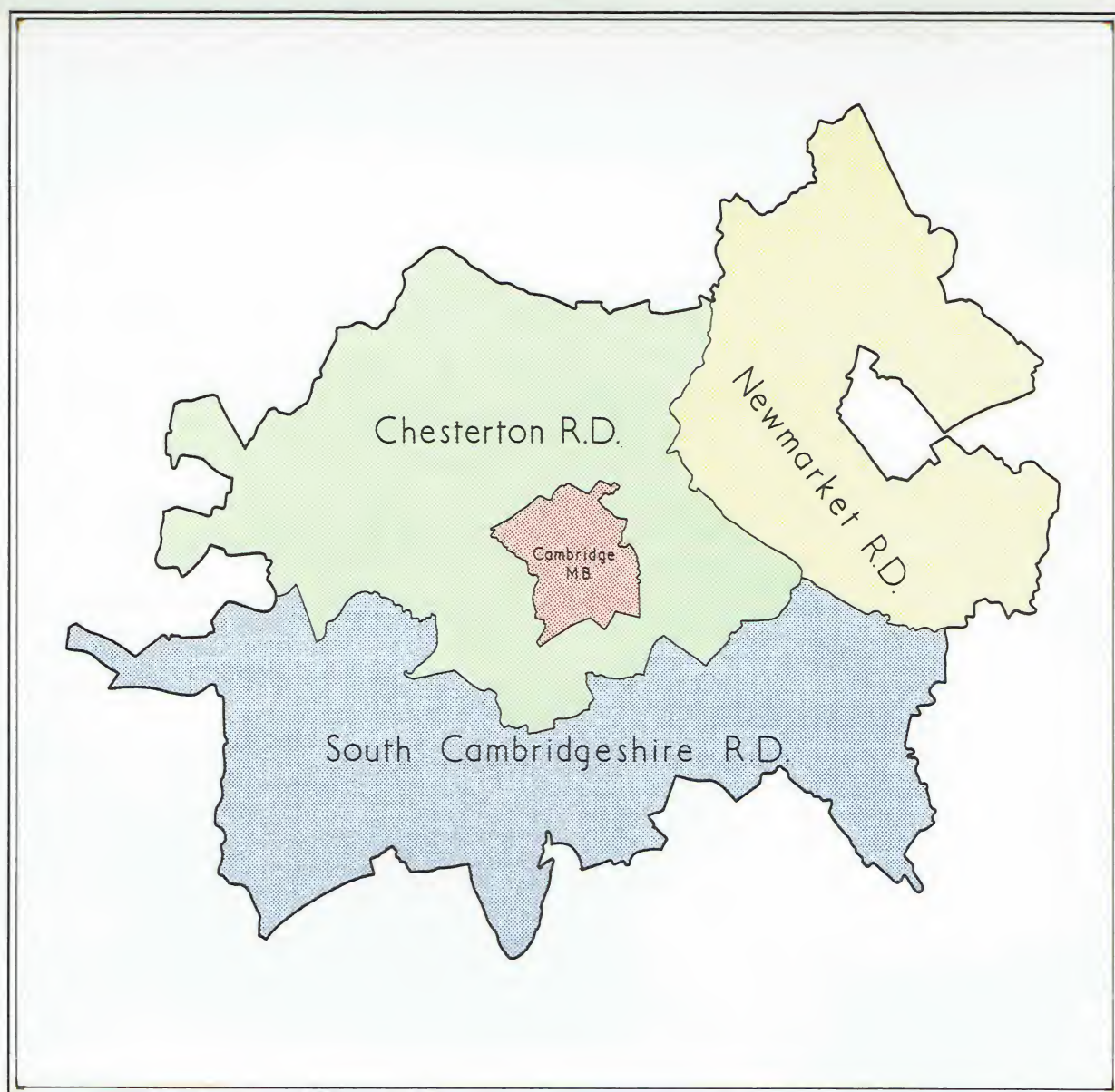
1. A new Rural District to be known as the Rural District of South Cambridgeshire to be formed to comprise the Parishes respectively situate within the Rural Districts of Linton and Melbourn and the portion of the Rural District of Caxton and Arrington which comprises the Parishes of Arrington, Croydon, East Hatley, Gamlingay, Great Eversden, Hatley St. George, Little Eversden, Little Gransden, Kingston, Longstowe, Orwell, Tadlow and Wimpole.
2. The remainder of the Rural District of Caxton and Arrington (comprising the Parishes of Bourn, Caldecote, Caxton, Croxton, Elsworth, Eltisley, Graveley, Hardwick, Knapwell, Papworth Everard, Papworth St. Agnes and Toft) and the Parishes situate within the Rural District of Swavesey to be transferred to the Rural District of Chesterton.
3. The Rural Districts of Caxton and Arrington, Linton, Melbourn and Swavesey to be abolished.

89. The boundaries of the Borough and Rural Districts established by the two Orders above referred to (paras. 86 & 88) have remained unchanged to the present time.

90. By the middle of 1935 the population of the Borough was 75,400. By 1939 it had reached 79,040. The Borough was therefore in the legal position of being able to apply for county borough status between 1935 and 1939. There is no public record of such action being taken.

Electoral
Divisions

91. It is important to record that there was not an automatic readjustment of the boundaries of the electoral divisions for parliamentary purposes consequent upon the changes in local government boundaries. In fact, it was not until 1950 that the parliamentary boundaries were adjusted to be co-terminous with the boundaries as established by the Review Orders of 1934.



Cambridgeshire (Rural Areas) Review Order 1934

County boundary



Borough and Rural District boundaries



SECTION V

THE LOCAL GOVERNMENT BOUNDARY COMMISSION 1945-9

92. This Section deals in particular with the work of the Boundary Commission of 1945 up to its dissolution in 1949.

93. Before and during the Second World War there was continuing discussion on the possible reforms of the local government structure. One school of thought favoured the retention, with modifications, of the existing structure, keeping the counties and county boroughs as the principal units of administration. The more radical reformers believed in the establishment of local government on a regional basis with all-purpose authorities governing large areas. The need for reform was real because during this period there was growing recognition that some local government services were of national rather than local importance. Maintenance of the able-bodied unemployed, supplementation of Old Age Pensions, control of Trunk Roads and the operation of many agricultural services are examples of services transferred from the control of the local authorities to that of the State.

White Paper on Local Govern- ment 1945

94. The proposals of the Government to reorganize various local government services independently led to protests by the Local Authority Associations in 1943. Eventually the Government's view on reform was expressed in a White Paper issued in January 1945 entitled "Local Government in England and Wales during the period of Reconstruction". They considered that the time was inopportune for a general re-casting of the local government structure and would seriously delay the establishment of services which formed part of the Government's programme during the reconstruction period. The Government, however, were in favour of increased use of joint authorities and proposed a new method of altering the areas and status of local authorities by the setting up of a Local Government Boundary Commission.

The Local Government Boundary Commission Act 1945

95. The proposals in the White Paper were implemented in the Local Government Boundary Commission Act 1945 which became law in June 1945. The Commission set up under the provisions of the Act was charged with the duty of reviewing the areas and status of all local authorities in England and Wales (excluding the County of London). The Act also provided that the population limit for the establishment of county boroughs be raised from 75,000 to 100,000. Unlike the Local Government Boundary Commission of 1887, (see para. 17), the Commission had wide executive powers to make Orders for changes in areas and status of local authorities, subject only to confirmation by Parliament.

96. The Regulations made under the 1945 Act laid down the general principles for the guidance of the Commission in discharging their functions and required that they must make such alterations as they thought fit in the status and boundaries of local government areas as would ensure individually and collectively effective and convenient units of local government administration.

Action by the Cambridgeshire County Council 1946

97. In April 1946 the Cambridgeshire County Council, having considered their administrative area as a whole, formulated certain proposals which they submitted to the Boundary Commission. Their main proposal was to enlarge the County to include the Counties of Huntingdon, Isle of Ely and the Soke of Peterborough, the Urban District of Newmarket together with the Parishes of Kentford and Moulton in West Suffolk and the Urban District of Royston in Hertfordshire (see Map No. 7). In the event of the Boundary Commission being of the opinion that the suggested area was too large for sound administration, the Council submitted an alternative proposal to



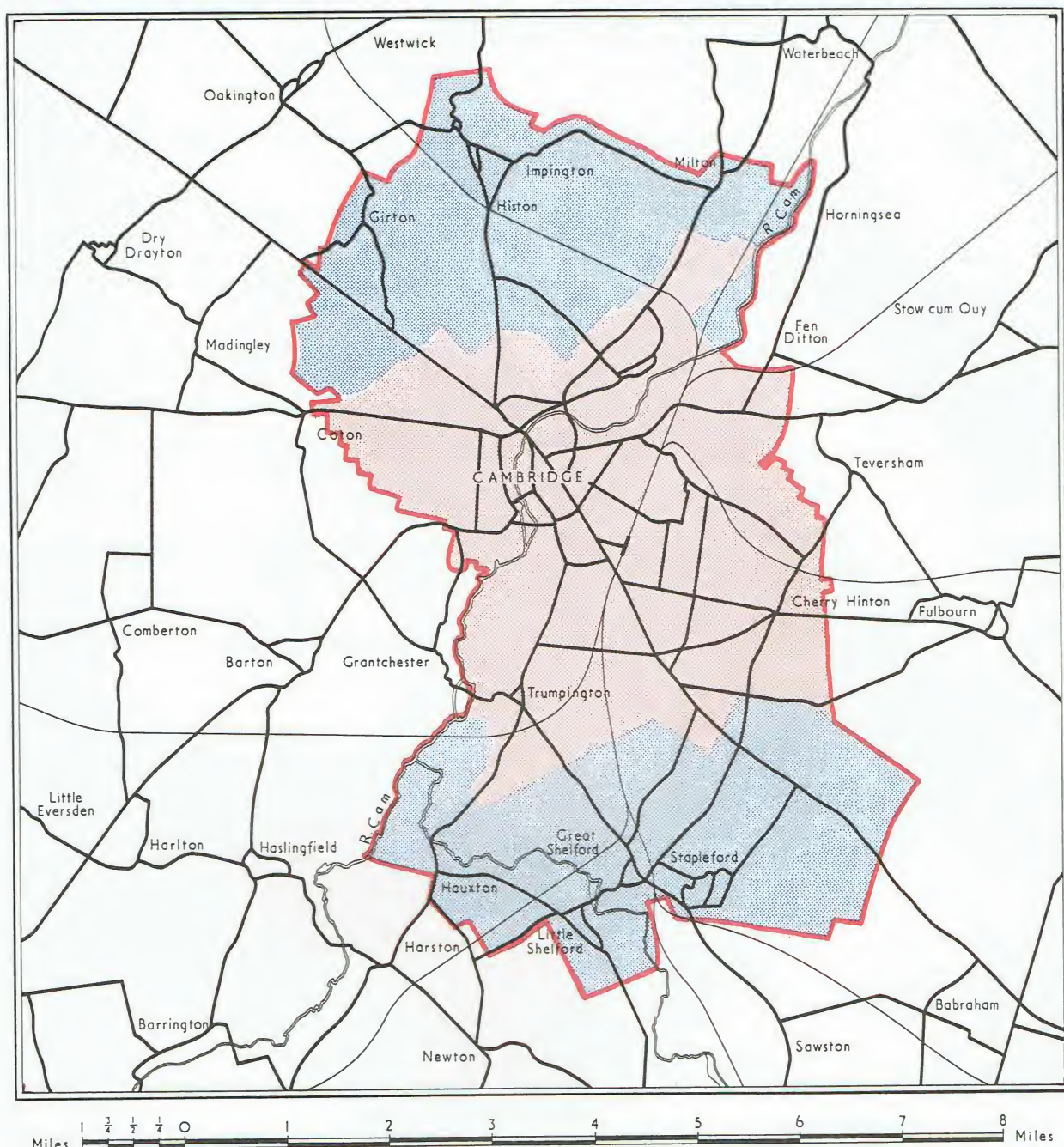
Local Government Boundary Commission 1945

The main proposals of the Cambridge County Council submitted to the Commission in 1946



Local Government Boundary Commission 1945

The alternative proposals of the Cambridge County Council submitted to the Commission in 1946



Local Government Boundary Commission 1945

The proposals of the Cambridge Borough Council submitted to the Commission in 1946



Local Government Boundary Commission 1945

The proposals of the Soke of Peterborough submitted to the Commission in 1946

authority all those who looked to Peterborough as their centre.

Consideration
of the Various
Proposals

109. The proposals by the various authorities were circulated by the Commission to the other interested authorities with a request for the views of each authority to be conveyed to the Commission.

The County
Council's
Observations
on the Borough
Proposals

110. The Cambridge Borough Council in their proposal (set out in para. 99) had contended that the areas proposed to be added with perhaps the exception of Milton, Hauxton and Harston, were to a large extent an outgrowth of the Borough and depended in many respects upon the existence and activities of the Borough for their prosperity. The Borough's main grounds for applying for extension were:-

- (a) The whole of the parishes affected were within the area of the Cambridge and District Town Planning Scheme which had reached a very advanced stage in its preparation.
- (b) There was a strong community of interest between the whole of the greater part of the parishes affected and the Borough.
- (c) The parishes concerned were dependent upon cesspool drainage, mainly due to financial considerations and which the Borough would be able to overcome.

111. The County Council in their opposition to the Borough's application questioned the alleged advanced state of preparation of the Town Planning Scheme as no plans had been approved by the Ministry of Town & Country Planning. In fact the Town & Country Planning Bill was at that time before Parliament and proposed that the County Council should become the Planning Authority. If that did take place the area sought to be incorporated in the Borough within the area of the Cambridge and District Planning Scheme would no longer be of any significance. Further, the Borough's contentions in this aspect of their case had not been helped by the Minister of Town & Country Planning, who visited Cambridge in July 1946 and, when speaking to the Cambridgeshire Planning Committee, had been critical of the standard of planning administration.

112. Public meetings were held in the parishes affected by the proposed extensions. At Girton, Little Shelford, Histon and Impington, Great Shelford and Stapleford, large majorities revealed the opposition of people in those areas to the Borough's proposals. At a poorly attended meeting at Milton a majority voted in favour of being taken over by the Borough.

Observations on
the Various
Proposals

113. The Isle of Ely opposed the suggestions of the Cambridgeshire County Council but the Borough of Wisbech intimated that they would prefer the Cambridge proposals to those suggested by the Isle. The Urban and Rural Districts in the southern half of the Isle also intimated that if the Isle of Ely had to cease to exist as a separate county council they would prefer to be amalgamated with Cambridgeshire.

Isle of Ely

West Suffolk

114. The West Suffolk County Council were opposed to the Cambridge suggestion although the Newmarket members on the West Suffolk County Council voted against the counter proposals set out in paragraph 102 above. The position of the Newmarket Urban District's proposals was unresolved, the Cambridgeshire County Council opposing the extension of the Urban District into the Rural District of Newmarket.

Hertfordshire

115. The Hertfordshire County Council's proposals were counter to those of Cambridge. The Cambridgeshire County Council, however, were prepared to consider ceding part of southern Cambridgeshire to Hertfordshire if their proposal to take in Royston was not accepted.

Bedfordshire

116. Cambridgeshire objected to the transfer of Gamlingay to Bedfordshire and the suggestion was subsequently withdrawn by the sponsors.

Huntingdonshire

117. Huntingdon reacted strongly to the Cambridgeshire proposals and said that if there was to be an amalgamation of counties, they would much prefer to join the Soke of Peterborough. This suggestion was not, however, acceptable to certain of the local authorities in the county. St. Ives Borough in fact by resolution expressed a preference to be included in Cambridgeshire rather than go to the Soke.

Soke of Peter-
borough

118. The County Council opposed the Peterborough scheme on the grounds that it would seriously affect their own proposals.

119. Having received all the proposals and counter proposals and the various observations thereon, the Commission commenced its review of the East Anglian counties in October 1946.

First Report of
the Boundary
Commission
1946

120. The Commission in their Report for 1946, published in April 1947, said that they had started their active work in the field and had considered a number of counties including Cambridgeshire, but had made no Orders for change of boundaries or the status of local authorities.

121. During 1947 the Commission held consultations with each local authority on the various proposals submitted, those with the Cambridgeshire County Council took place in May 1947.

Second Report
of the Boundary
Commission
1947

122. The Second Report of the Local Government Boundary Commission for the year 1947 was issued in March 1948. This Report is of major importance as it put forward certain radical proposals for changes in the functions and status of local authorities. It also contained detailed recommendations affecting the majority of counties and county boroughs in England.

123. The Commission in their Report repeated the requirement of Parliament that after reviewing the local authority's area they were to make Orders which would in their (the Commission's) view result in effective and convenient units of local government. The Commission had come to the conclusion after very careful consideration that in many areas, covering the great bulk of the population, their powers and instructions did not permit the formation of local government units as effective and convenient as in their opinion they should be. The Commission proceeded to make an analysis of the causes of weakness in local government which they considered were largely due to the following factors - the disparity of the size and resources of counties and county boroughs; the concentration of population with little or no connection or cohesion as local government units; the increased central control of local administration; the haphazard allocation of functions, and finally the conflicts over boundaries. Dealing with the last mentioned, the Commission considered that the atmosphere created between counties and county boroughs over boundary extensions and the creation of county boroughs was both serious and harmful. The Commission were of the opinion that it was a matter of first importance to the future of local government that this antagonism should cease, and the frequent hotly contested battles between authorities should not take place.

124. With the object of overcoming the difficulties referred to above, the Commission made certain novel recommendations for types and functions of future local government units. In brief, the Commission proposed that there should be three main types of units - counties, county boroughs and county districts. The whole of England would be divided into 67 counties and these would be of two classes, one-tier and two-tier. The 20 one-tier counties would, like the existing county boroughs, have no other local authorities within their areas. The 47 two-tier counties would contain two types of county districts, one being a new type of authority referred to in the Report as "new" county boroughs (a term that caused a good deal of confusion in understanding the Com-

mission's proposals). The existing county districts, other than those to be created "new" county boroughs would be the subject of later study and after their boundaries had been reviewed the present administrative distinction between non-county boroughs, urban and rural districts would be abolished and they would all have similar autonomous functions.

125. The basic principle of the new county structure was the retention at the county level of the overall concept with the corresponding policy-making function and the carrying out of those policies by the county districts in accordance with delegation schemes prepared with special regard to the circumstances appropriate to each county. The "new" county boroughs would be part of the administrative county and would look to the county for certain services (including police and fire). But they would form a new and middle rank of authority with important autonomous functions - in particular, all education, care of the old and disabled and health services, and parts of town and country planning and highways - in addition to all those of an ordinary second-tier authority. It is important to note that the Commission made no financial proposals and it was never made clear what would be the financial autonomy of the "new" county boroughs.

126. Having regard to the nature and importance of their recommendations, the Commission considered that they should make no Orders for changes in local government areas until the Government had decided whether they would introduce the necessary legislation to give effect to their recommendations.

Review of Areas and Functions

127. In the second part of their Report for 1947, the Commission set out their proposals for the reorganisation of areas and functions of most of the local authorities in England.

Application to Cambridgeshire

128. The Commission recommended that a new county should be created comprising the four administrative Counties of Cambridge, Isle of Ely, Huntingdon and the Soke of Peterborough, to which would be added the Newmarket Urban District, together with some adjacent territory. They considered that not one of the four existing counties was sufficient in population or resources to remain a separate administrative county and that no amalgamation to form two new counties would produce effective units. It was also recommended that within the new county, Cambridge would become a "new" county borough (see Map No. 11).

Third Report of the Boundary Commission 1948

129. The Local Government Boundary Commission issued their Third Report in April 1949. In 1946 and 1947 they had investigated the problems of the counties and county boroughs and in 1948 they had started to investigate the county districts in a number of English counties. The Commission had asked for a directive from the Ministry of Health whether the Government were likely to put proposals before Parliament with regard to the suggested changes in the function and status of local authorities made in their 1947 Report. The Minister in March 1949 had stated in the House that it would not be practicable to introduce comprehensive legislation on local government reconstruction in the near future. In view of this statement the Commission had therefore decided to select those cases in which Orders would be both appropriate under the existing statute Law and the General Principles laid down by the Government for the Commission's guidance. They were still of the opinion, however, that neither they nor their successors could everywhere create effective and convenient units of local government without some amendment of local government legislation.

Dissolution of Boundary Commission

130. On the 29th June 1949, the Minister of Health announced that the Government had come to the conclusion that under the conditions then prevailing it would be difficult for the Boundary Commission to proceed with their work and they had accordingly decided to repeal the Local Government (Boundary Commission) Act of 1945 which would involve the winding up of the Commission. This would restore the position substantially to what it was before the passing of the Act until such time as the Government had had an opportunity of reviewing the structure and functions of local government.



Local Government Boundary Commission 1945

The recommendations of the Commission in their 1947 report

131. The Bill for the Local Government Boundary Commission (Dissolution) Act was read a second time on 2nd November 1949. During the debate, the Member for Cambridge (Mr. Symonds) objected to the retention in the Bill of 100,000 as the minimum population figure for county borough status as this would debar all but one of the non-county boroughs (including Cambridge), recommended as "new" type county boroughs in the Boundary Commission's Report of 1947, from improving their status. This amendment was accepted by the Government. The Minister of Health in winding up the debate stated that the Government had come to the conclusion that the correct procedure was for the Government themselves to accept the responsibility of examining the future structure of local government and ultimately bringing forward their proposals. The Act subsequently received the Royal Assent on the 16th December 1949. The procedure for extension of boundaries and creation of county boroughs reverted to the powers under the Local Government Act 1933 including the standard of a minimum population of 75,000 before application could be made for county borough status.

132. The Local Government Boundary Commission of 1945 was thus dissolved. In its short life of four years the Commissioners and Assistant Commissioners had held 1377 conferences with representatives of local authorities and, as a result, had made proposals for a reorganisation of local government areas covering the whole of England. In addition, they had made important new proposals for a reallocation of functions and responsibilities between the various local government authorities. The cost of the Commission was £140,000. The value of this expenditure, in the words of the Minister of Health, was reflected in the Annual Reports of the Commissioners, and in the information which they and the local authorities had gathered. The Commission's work had revealed the urgent need for a reconstruction of local government and drawn a pledge from the Government that they would bring forward proposals to achieve this end. Nine years passed before a different Government fulfilled in part the promise of 1949. The story of the events leading up to that fulfillment is told in the next Section.

SECTION VI

THE BACKGROUND OF THE LOCAL GOVERNMENT ACT 1958

Government Policy 1949 - 1956

133. During the second reading of the Bill on the Dissolution of the Boundary Commission in 1949, the Minister of Health commented on the absence of agreement in the local government world on proposals for local government reform, and said the Government intended to introduce their own proposals. These proposals did not, however, appear within the life of the then Government.

134. Although legislation was also promised by the new Parliament in the King's Speech in 1951 this too failed to materialise and the issue was repeatedly shelved on the pretext that further attempts were being made to reach agreement among the local authorities themselves. That the need for a large-scale overhaul was recognised was revealed by the fate of a number of Private Bills promoted by non-county boroughs seeking to improve their status - all were rejected on the grounds that such cases should not be settled individually but in the wider context of a more general review. But a lead on the form the overhaul should take was awaited from those directly affected - it was hoped that the local authorities, at all levels, would jointly find a solution to their own problems.

135. Thus it was the local authority associations who set the stage for the new legislation, each trying to find common ground, but each naturally giving first consideration to the desires of its own members.

The Proposals of the Local Authority Associations

136. When the Local Government Boundary Commission was dissolved in 1949 the four main local authority associations had been engaged in joint conferences to consider the Commission's proposals. After the Commission's dissolution these conferences continued in an endeavour to produce an agreed scheme, for submission to the Government, as an alternative to that proposed by the Commission. By May 1952, however, it became clear that there was little likelihood of agreement being reached and the Association of Municipal Corporations withdrew from the joint discussions to formulate its own proposals. As a result, two main and divergent sets of proposals emerged in 1954: those of the "county" group, representing the County Councils Association, the Urban District Councils Association and the Rural District Councils Association, later joined by the Association of Parish Councils, on the one hand, and those of the Association of Municipal Corporations on the other.

The "County" Proposals

137. The four associations in the "county" group based their proposals on a retention of the existing system of two-tier government in the administrative counties, with the third tier of parish councils in the rural districts, and the single-tier authority in the county boroughs. The only major change in the overall structure was the recognition of the need for special treatment of the problems of the conurbations. In these areas - to be defined by the Minister - a special two-tier system was proposed; an urban county divided into units possessing functions to be determined, but not having the complete autonomy of the present county boroughs. Outside the conurbations the one-tier system was to continue, but with new qualifying population figures: a minimum of 75,000 to retain county borough status and 100,000 for the creation of a new county borough.

138. It was proposed that all boundaries should be reviewed; those of the counties and county boroughs by the Minister, and those of the county districts, including non-county boroughs, by the county councils.

139. The proposals for allocation of functions to the various forms of local authority were grouped into two categories; those which should be the exclusive responsibility of each tier in the system, and those which should be the primary responsibility of the county councils but which could be delegated to the district councils as provided by "county delegation schemes".

The "Borough" Proposals

140. The major clash of views between the "county" group and the boroughs was over the relative merits of the one or the two-tier systems. The main proposal of the Association of Municipal Corporations was that the normal unit of local government should be an all-purpose authority, combining within it both urban and rural areas where necessary. A population of 50,000 was proposed as the minimum required for an all-purpose authority and there was no suggestion of a maximum beyond which the unit becomes too large.

141. The universal application of the one-tier system was to have certain limited exceptions, e.g. where a particular service did not fit into the general pattern or where local conditions, such as sparsity of population, might render some two-tier form of government unavoidable - but the boroughs did not in any way recognise the need for special treatment in the conurbations.

142. On the question of functions the boroughs strongly opposed the "county" proposals for delegation. Their view was that where a two-tier system existed, the functions of each tier should be clearly defined and the powers to administer certain services should be conferred, not delegated.

Discussion with Minister

143. Following the publication of the proposals of the two opposing local authority groups, the Minister of Housing & Local Government (then Mr. Duncan Sandys) took a firm line and asked representatives of all five associations to meet him, in a final attempt to reconcile their differences. He made it clear that he would not be prepared to contemplate eliminating either the two-tier system in the counties or the one-tier system in the big towns. In the light of this statement the associations agreed to a series of meetings, under his chairmanship, to seek a basis for agreement within the framework of the existing structure.

The White Papers 1956-1957

144. These meetings culminated in the first official steps towards the new legislation for local government reform, by the publication of three White Papers:-

- (a) "Areas and Status of Local Authorities in England and Wales" in July 1956.
- (b) "Functions of County Councils and County District Councils" in May 1957.
- (c) "Local Government Finance" in July 1957.

Although the Government's proposals depart in some respects from the agreed views of the associations, they largely reflect the conclusions of the joint conferences and represent a compromise solution, based on retention of the existing structure and rejection of most of the more controversial proposals of both sides. The following paragraphs outline the main features of the first two White Papers on "Areas and Status" and on "Functions". The financial aspects are not covered by this study and will be dealt with in a separate document.

The White Paper on "Areas and Status" - July 1956

145. The first White Paper dealt primarily with the procedure for making a comprehensive review of all local authority areas. It proposed the setting up of two Local Government Commissions, one for England and one for Wales, whose main task would be to "make recommendations to the Minister in regard to the creation and extension of county boroughs, any necessary alteration in county boundaries, and the organisation of local government in the conurbations".

146. Within the conurbations the Commission would also review the county districts, but elsewhere the county districts, including non-county boroughs, would be reviewed by the county councils after the main county reviews had been completed.

147. The White Paper suggested only a few guiding principles to be applied in the reviews, leaving scope for considerable variations to be made at later stages or during the course of the reviews themselves.

148. The few principles that were established chiefly concerned county boroughs. It was proposed that a town with a population of 100,000 or more (125,000 in the conurbations) should be assumed to be large enough to function effectively as a county borough although this did not preclude a smaller town applying for promotion provided it made out a strong case to justify it. Also a town applying simultaneously for extension of boundaries and county borough status should be entitled to have both applications considered together. Existing county boroughs should be deprived of their status only where plainly necessary for efficient administration.

149. In the case of small non-county boroughs in rural areas, it was suggested that a new type of unit might be formed by the amalgamation of the town and rural area and the town might retain the title and dignities of a borough.

The White Paper
on "Functions" -
May 1957

150. The second White Paper set out the Government's general conclusions on the future distribution of functions between county councils and county district councils. The main proposal was that boroughs and urban districts with a population of 60,000 or more should be given substantially greater responsibility by delegation as of right from the county councils. The functions concerned (which are listed in the White Paper) are at present primarily the responsibility of county councils, but include many which are already delegated in varying degrees to the district councils. For the smaller towns and all rural districts delegation schemes should be prepared by the county councils, with right of appeal to the Minister. For some services - education, classified roads and town and country planning, it was proposed that the counties should retain responsibility for broad policy and, in the case of education and roads, for finance.

Debate on the
White Papers

151. Parliament debated the three White Papers on the 29th and 30th July 1957. On the questions of areas, status and functions, many views were expressed from both sides of the House, but these largely cut across party alignment. As in the White Papers themselves, the Government's approach was cautious - emphasising the need for comprehensive overhaul, but taking no firm stand on any particular aspect. The only amendment moved by the Opposition was on the financial aspects of the proposals. The amendment was defeated by 308 votes to 249.

Local Govern-
ment Bill

152. The Bill was presented to Parliament on the 19th November 1957. It followed, very closely, the proposals in the White Papers with the exception of that on Functions. Here there was a significant change in that, whereas the White Paper had proposed compulsory delegation to district councils over 60,000 population of all or part of thirteen county council functions, the Bill covered only two of those functions - the local health and welfare services and education. The functions proposed for automatic delegation in the White Paper, but dropped from the Bill were:-

- Employment of Children
- Classified Roads
- Bridges
- Town & Country Planning (functions under Part III of 1947 Act and preparation of Town Maps)
- Shops
- Theatres and Cinemas
- Weights and Measures
- Diseases of Animals
- Licensing of Waste Food Boiling Plant

Fertilizers and Feeding Stuffs
Food and Drugs (functions assigned to Food and Drug
Authorities and prohibition of sale of tuberculous milk)

Debate on the
Second Reading
of the Bill

153. The debate on the second reading began on the 9th December 1957. In opening the debate, the Minister of Housing & Local Government, Mr. Henry Brooke, emphasised that it was not the intention of the Bill to lay down any detailed and comprehensive set of principles which should govern all the revisions and alterations to be made. He said:-

"The right framework of local government for each neighbourhood needs patient local investigation and discussion and not a precise and uniform pattern laid down centrally without regard to local circumstances or local feeling.

"This means that there will be a big responsibility on the Local Government Commissions and on the county councils in carrying out their reviews. My aim, when the Bill becomes law, is to appoint Commissions whose members can be trusted to look at the local government picture in a fresh and objective way without preconceived notions for or against the existing arrangements in any particular area."

154. The greater part of the debate was concerned with the Opposition's amendment to the financial provisions. The amendment was again defeated and the Bill was read a second time.

The Bill in
Committee

155. At the Committee stage of the Bill considerable discussion took place concerning the creation of county boroughs, which is of interest in relation to the City of Cambridge. On the clause indicating that extension of the boundaries of a non-county borough or urban district could be considered at the same time as application for county borough status, an amendment was put to clarify the question as to whether the amalgamation of the whole or part of two or more county districts could be considered simultaneously with application of the amalgamated area for county borough status. Mr. Bottomley (Member for Chatham and Rochester) said:-

"May I take the Boroughs of Cambridge and Cheltenham to illustrate what I wish to submit to the Committee. They have populations of less than 100,000. They might want to extend by taking in an adjoining area and then applying for county borough status."

The Minister refused to answer in relation to Cambridge or any other named locality - "It might be thought I was putting suggestions to the Commissions and it is not for me to do anything of the kind" - but he made it quite clear that any possible combinations of areas, or parts of areas, could be considered in this context.

156. In relation to the proposed population qualification for county borough status, the Minister emphasised that the figure of 100,000 was not to be an indispensable minimum for the creation of a new county borough, nor was it an automatic qualification such as would ensure that any area with a population over 100,000 would unquestionably become a new county borough. The 100,000 was intended to be taken as being broadly the figure, but in every case the Commission and the Minister would have to weigh up other factors also, including the effect on the county concerned out of which the county borough would be carved.

157. On the question of the proposed fifteen-year standstill period following the review of counties and county boroughs, which is to start from the commencement of the Act, the Minister pointed out that there was a loophole, if exceptional circumstances demanded, under the Local Government Act of 1933. This would allow, for example,

the making of ad hoc changes in county borough boundaries or the creation of a new county district. What was barred, however, was the creation of a new county borough.

The Passing of
the Local
Government
Act 1958

158. The Committee stage of the Bill was completed on the 22nd April 1958 with only minor amendments and the House approved the third reading on the 13th May 1958, by 306 votes to 233. The passage through the Lords followed a similar pattern and again only minor amendments were proposed. On the third reading, Lord Mancroft, referring to that part of the Bill covering the review of local authority areas, said:-

"... your Lordships have given it (the Bill) the most encouraging of welcomes, in that while some noble Lords have been a little anxious lest the process of reviewing local government areas and status might go too far, others among your Lordships have, in effect, chided the Government for not going far enough. That is not a bad position for any Bill to be in. In this connection, however, I would remind your Lordships that responsibility will not rest solely on the Local Government Commissions, the county councils or the Minister. In the end, it will be the attitude taken to each Order in Parliament, when it is submitted for rejection or approval to your Lordships' House and to another place, that will influence the kind of local government pattern that eventually emerges. Her Majesty's Government for their part (and I should hope, and expect, that future Governments will take the same view) are determined to honour their commitments to put in train a reorganisation that will, while keeping what is best in our present system, give it a chance to do better still."

The Local Government Act, 1958, received the Royal Assent on the 23rd July.

Government
Policy for
Reviews

159. As mentioned earlier, the Government's approach has been cautious and the purpose of the Act, so far as the review of areas and status is concerned, is to provide the machinery rather than to lay down the form which reorganisation should take. The Government's view, clearly, is to allow as much freedom as possible to the Commissions and the local authorities to propose changes in the light of the particular problems and circumstances of each local area. The following extracts from an address given to the County Councils Association on the 14th June 1958 by the Minister, Mr. Henry Brooke, are of interest in this context.

160. Speaking of the part to be played by the local authorities themselves he said:-

"The best reviews will be those in which the local authorities as well as the Commissions contribute positively to the formulation of proposals for the future pattern. Merely to refrain from adopting automatically the "No change at any price" approach will not be enough. Local authorities have a sufficiently realistic sense of their responsibilities to know better than that, anyway.

"Something more positive is needed - constructive thinking and constructive suggestions, by each local authority, about the needs and problems not only of its own area but also of the wider area of which it forms part. Only against that kind of background will the Commissions and then the Minister be able to reach fully informed conclusions. This, of course, is truest of all in the special review areas, where issues transcending any one local authority area are bound to come up for consideration."

He emphasised that there need be no fear that any changes would be made without full discussion and publicity and opportunities for objection. Referring to the provision in the Act which allowed an Inquiry to be dispensed with, he said:-

"I want to make perfectly clear that this power of dispensation is for use only where the sole objection to a Commission's proposals is a quite minor one on some small and clear point that needs no Public Inquiry to elucidate it. Hence the phrase "sufficiently informed". Any objection of substance will always lead to a Public Inquiry. It is unthinkable, for instance, that there would not be a Public Inquiry automatically in any case where the Commission's proposals involved the disappearance of any existing local authority area, and the local authority objected. So much the more would that be true, if a county was concerned.

"It would be quite out of the question for a Minister to chance his arm and submit to Parliament an order involving an amalgamation of counties, without first having held a Public Local Inquiry to hear objections fully. There is bound to be an Inquiry, similarly, in any case where a county council seek to resist a proposal for creation or extension of a county borough, or for a material alteration of the boundary between two counties.

"A final safeguard is provided by the requirement that all these orders made following reviews by the Commissions must be submitted to Parliament. For any major change - such as an amalgamation of counties or the creation of a new one - there will normally have to be a separate order, and therefore Parliament will be able to address itself specifically to that issue. There can be no risk of important changes being railroaded through as part of an order dealing also with a wide range of unconnected matters."

The Minister concluded:-

"My final word to you is this: county councils are already, I know, beginning to think about the views they will want to put forward, and the suggestions they will want to make or rebut, when the proper time comes under Part II or Part III of the Bill. Please do not keep these ideas too private too long. In terms of effective and amicable progress there is everything to be gained by bringing the districts - and neighbouring authorities where necessary - into consultation at an early stage, and by being prepared to take positive account of their views.

"It would be a very great misfortune to local government if the reviews - whether by the Commissions or by the county councils - were carried out in an atmosphere of fixed ideas and secret weapons. I want local authorities to be thinking over their position, and to be prepared with constructive suggestions. But equally I want to see every council's suggestions put forward for open discussion and with an open mind."

161. The appointment of the Commission for England and the procedure to be followed is described in the next Section.

SECTION VII

THE APPOINTMENT OF THE LOCAL GOVERNMENT COMMISSION FOR ENGLAND

The Local Government Commission for England

162. The Local Government Act of 1958 provides that each of the two Commissions shall consist of a chairman, a deputy chairman, and not more than five other members. The names of five members of the Local Government Commission for England were announced on the 29th October, 1958. They are:-

Chairman: Sir Henry D. Hancock, K. C. B., K. B. E., C. M. G., until recently Chairman of the Board of Inland Revenue, and formerly Permanent Secretary of the Ministry of National Insurance (1949 to 1951) and of the Ministry of Food (1951 to 1955). Part-time appointment.

Deputy Chairman: Michael E. Rowe, Esq., C. B. E., Q. C., a leading counsel with considerable experience of local government problems, and Editor of Ryde on Rating. Mr. Rowe earlier spent four years with the War Damage Commission. Full-time appointment.

Other members: The Hon. Ruth Burton Buckley, J. P., an Alderman of the East Sussex County Council, and its Chairman from 1952 to 1955. Miss Buckley is also a member of the South-East Metropolitan Regional Hospital Board (part-time appointment). Bernard D. Storey, Esq., C. B. E., formerly Town Clerk of Norwich (full-time appointment). E. W. Woodhead, Esq., M. A., F. R. Hist. S., formerly County Education Officer of Kent (full-time appointment). The Act allows of the appointment of two further members. The Secretary of the Commission is Mr. J. D. Jones, an Under-Secretary of the Ministry of Housing & Local Government.

The Local Government Commission Regulations 1958

163. Regulations have been issued for the guidance of the Commissioners in their work and these came into operation on the 12th December 1958. The Regulations set out nine general principles to be applied in all areas under review and a further seven relating to the special review areas. The matters to which the Commission are to have regard in all areas are as follows:-

General

- Reg. 3 The Commission's examination of a review area shall be directed (regard being had also to the circumstances and needs of related review areas) to effective and convenient local government throughout the whole of the review area and not merely in individual areas of local government.
- Reg. 4 The circumstances taken into account shall include not only those existing at the time of examination but also those which in the Commission's opinion are likely to come into existence within such period as they think it right to consider in the circumstances of the particular area.
- Reg. 5 In assessing the effectiveness of any local government organisation of a review area the Commission shall have regard to, inter alia, the extent to which the size and distribution of population and rateable value and the boundaries of administration of the various local services provide adequate resources and allow adequate scope for the efficient and economical discharge, over suitable areas, of all the functions exercisable by the local authorities concerned.

Reg. 6 In assessing the convenience of any local government organization of a review area the Commission shall have regard to, inter alia, the number, size, shape and boundaries of the areas of local government, the travelling facilities within and between them, and the way in which these may affect the administration of local services and the access of council members and the general public to their local administrative centres.

Reg. 7 The following (placed in alphabetical order) are to be included among the factors taken into account by the Commission on the holding of a review :-

- (a) Community of interest;
- (b) Development and expected development;
- (c) Economic and industrial characteristics;
- (d) Financial resources measured in relation to financial need;
- (e) Physical features, including suitable boundaries, means of communication and accessibility to administrative centres and centres of business and social life;
- (f) Population - size, distribution and characteristics;
- (g) Record of administration of the local authorities concerned;
- (h) Size and shape of the areas of local government;
- (i) Wishes of the inhabitants.

Creation of county boroughs

Reg. 8 When considering whether to propose the constitution of a new county borough the Commission shall take into account any increase or decrease of population which is in their opinion probable within such period as they think it right to consider in the circumstances of the particular case.

Reg. 9 The existence or early prospect of a population of 100,000 shall not be regarded as an indispensable requirement for the constitution of a new county borough, but the Commission shall not propose such a change for an area having, or expected to have, a smaller population unless they are satisfied that there are special circumstances which make it desirable to consider such a change in that case.

Reg. 10 The Commission shall not in any case propose the constitution of a new county borough in an area forming part of one or more administrative counties unless they are satisfied, taking into account any related proposals that they may intend to make, that the change is on balance desirable, regard being had not only to the circumstances of the area of the proposed county borough but also to those of the remaining parts of the administrative county or counties.

Areas of county boroughs

Reg. 11 Before proposing the inclusion in a county borough of an area comprising or forming part of a county district (where as an extension of an existing county borough or in connection with the constitution of a new one) the Commission shall consider, inter alia, the following matters :-

- (a) The question whether the area, if already built-up, is not only substantially a continuation of the town area of the existing or proposed county borough but also has closer and more special links with it than those which necessarily arise from mere proximity;
- (b) The question whether, if the area is not already built-up, the use of the land in accordance with the development plan or in

the manner authorised by permission to develop land granted on application in that behalf is likely to lead to its development into such a continuation of a town area as is indicated in paragraph (a) within such period as the Commission think it right to consider in the circumstances of the particular case;

- (c) The question whether (after taking into account any related proposals which may be in contemplation) there would be a balance of advantage in the change, having regard to the interests of the inhabitants of the county borough and the county district, and to the effect on the local government organisation of the county in which the county district is comprised and of the county districts remaining within it.

164. In moving the approval of the Regulations in the House of Commons the Minister, Mr. Henry Brooke, said:-

"The Commissions must be free, provided they have taken into account all the matters prescribed in the Regulations, to formulate their own proposals in relation to each particular case. Indeed, these Regulations do not essay to give the Commissions detailed guidance in every one of the possible situations that may arise. There will certainly be cases where, subject to the general guidance of the Regulations, matters are best left to the words of the Act and to the commonsense of the Commissions."

165. The Minister went on to explain that it was intended that outside the five special review areas, the Commissions should divide up England and Wales into areas which would usually be quite sizeable ones covering two or more geographical counties. He pointed out that Regulation 3 is to remind the Commissions that, even though their review area may be a large one, they must not ignore the relationship between the local government problems inside it and those of neighbouring areas. Referring to Regulations 5 and 6, he emphasised that the Commissions were not bound to apply only the criteria mentioned. What they were required to do was to include these points among the factors they take into account. Regulation 7 was in effect the so-called nine factors prescribed for the old Boundary Commission of 1945, brought up to date. Regulations 8 - 10 touched on the difficult question of the creation of new county boroughs - "These Regulations have been carefully worded. I am not anxious to put any gloss on them". On Regulation 11 he said:-

"Its effect is intended to be that normally - I say 'normally' although, of course, there may be exceptions, which the Commissions will have to justify - a county borough should not be extended to take in a neighbouring area merely because that area is neighbouring. There must be a real link, or there must be at least a prospect of a real link. Furthermore, the proposed added area should normally be an urban area, or one that is likely to become urban. After all, we are dealing with big towns - the county boroughs.

"This Regulation also reminds all concerned, the Commission and the local authorities, that when a prospect of development is claimed to exist the claim will have much more weight if it can be shown to be consonant with a current development plan or current planning permission. The Commission will have to form its own judgment of development prospects. It is not itself a planning authority, nor has it any appellate jurisdiction in planning matters."

166. In the House of Lords, Earl Bathurst's words were these:-

"The Commission's problems, your Lordships will realise, are not light ones: in fact, I think they are rather similar to those facing a serious racegoer who has been commissioned by a sporting relative to select a winner in a particular race. The Commissions will have to assess the chances of a great many runners, and out of a big field they will know that only one horse will win the race. As on all racecourses, a great deal of free advice no doubt will be readily given, and it may be that that advice will not necessarily emanate from the stables. It is an unwise punter who pays no attention to the form book. It is for those reasons that my right honourable friend has provided these Regulations: that they should be a guide and a yardstick to the Commissions in their deliberations. The Commissions would be rash to pay no attention to these Regulations, but nevertheless good local stable information should the Commissions gain it, may well turn up the result for them for the day."

Procedure for
Commission's
Reviews

167. The following procedure for the reviews to be carried out by the Commission is set out in Part II of the Act:-

- (i) The Minister will first direct the Commission in which order to carry out the review of special areas and the general review areas (see para. 168).
- (ii) The Commission in holding their review of any area have to investigate the circumstances of local government in the area, consulting all local authorities and all such other public authorities and bodies of persons as appear to the Commission to be concerned.
- (iii) Having carried out the above consultations the Commission will then prepare draft proposals and furnish copies to those local authorities and bodies consulted. The draft proposals will also be available for public inspection at each local authority office in the area. A time will be specified by the Commission within which representations on the draft proposals may be made to them.
- (iv) The Commission will consider any representations made to them and transmit those representations to other interested local authorities after which they will call a conference when the draft proposals and the observations thereon will be discussed.
- (v) In the light of the representations made on the draft proposals and of the views subsequently expressed at the conference, the Commission will formulate their final proposals and submit their report and proposals to the Minister. This is the last formal act required of the Commission, henceforth the procedure is in the hands of the Minister.
- (vi) The Minister will arrange for the report of the Commission on the review and their proposals to be sent to all local authorities in the area to which the review

relates. Public notice will be given of the submission of the report and the proposals placed on deposit for public inspection. Representations on the proposals may be made within a prescribed period.

- (vii) If within the time fixed any objection is made by any local authority, parish council or police authority concerned and not withdrawn, the Minister may hold a local inquiry.
- (viii) Subject to the above, the Minister may make an Order to give effect to the Commission's proposals, either as submitted to him or with modifications. Such Order has to be laid before Parliament, together with the report of the Commission.
- (ix) If the Minister considers that the Commission's report is not apt for the purpose of securing the effective and convenient organisation of local government in the area reviewed, the Minister can make proposals himself. The procedure for giving public notice and causing a Local Inquiry to be held will follow as referred to in paras. (vi) and (vii).

The First Review Areas

168. On the 6th January the areas chosen by the Commission for England for their first reviews were announced. They include one special review area - Birmingham/Wolverhampton - and two general review areas - the West Midlands covering Staffordshire, Warwickshire, Worcestershire, Herefordshire and Shropshire and the East Midlands covering Bedfordshire, Cambridgeshire, Huntingdonshire, Isle of Ely, Leicestershire, Northamptonshire, Rutland and the Soke of Peterborough. The total population of the three areas is about one fifth of the population of England outside London. The work of the Commission is to start in these areas on the 9th March 1959 and all local authorities concerned have been asked to submit written statements of their views and proposals by the 23rd March.